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2000

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 24, Issue 3
January 14, 2000

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Issue 29 - July 16, 1999: Data Through June 30, 1999	
Issue 42 - October 15, 1999: Data Through September 30, 1999	
Issue 3 - January 14, 2000: Data Through December 31, 1999 (Annual)	

INTRODUCTION

The **Illinois Register** is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the **Illinois Administrative Code** (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Land Sales Registration Act
- 2) Code Citation: 68 Ill. Adm. Code 1260
- 3)

Section Numbers:	Proposed Action:
1260.11	Repealed
1260.12	Repealed
1260.13	Repealed
1260.14	Repealed
1260.15	Repealed
1260.16	Repealed
1260.17	Repealed
1260.18	Repealed
1260.19	Repealed
1260.21	Repealed
1260.22	Repealed
1260.31	Repealed
1260.32	Repealed
1260.33	Repealed
1260.41	Repealed
1260.42	Repealed

- 4) Statutory Authority: Implementing and authorized by the Land Sales Registration Act (PA 91-0338).

- 5) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2000 the Office of Banks & Real Estate will commence licensing under the Land Sales Registration Act. The proposed rules set forth definitions, registration requirements, and other administrative rules needed to implement the new program.

- 6) Will this rulemaking replace any emergency repealer currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rule will not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed repealer: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Tom Schlenhardt

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED REPEALER

Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 200
Springfield, Illinois 62701
217/782-3000

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Registered entities under the Land Sales Registration Act.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The recent signing of the legislation and the numerous interested parties were involved in the drafting of these rules. This Act was signed into law on July 29, 1999.

The full text of the Proposed Repealer is identical to the text of the ~~Emergency~~ Amendment published in this issue of the Illinois Register on page 383.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

1) Heading of the Part: Land Sales Registration Act2) Code Citation: 68 Ill. Adm. Code 1260

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
1260.100	New Section
1260.105	New Section
1260.110	New Section
1260.115	New Section
1260.120	New Section
1260.125	New Section
1260.130	New Section
1260.135	New Section
1260.140	New Section
1260.145	New Section
1260.150	New Section
1260.200	New Section
1260.205	New Section
1260.300	New Section
1260.305	New Section
1260.400	New Section
1260.405	New Section

4) Statutory Authority: Implementing and authorized by the Land Sales Registration Act (PA 91-0338).5) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2000 the Office of Banks & Real Estate will commence licensing under the Land Sales Registration Act. The proposed rules set forth definitions, registration requirements, and other administrative rules needed to implement the new program.6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This rule will not affect units of local government.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Tom Schlenhardt

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULES

Legislative Liaison

Office of Banks and Real Estate
500 East Monroe, Suite 200
Springfield, Illinois 62701
217/782-3000

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Registered entities under the Land Sales Registration Act.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent regulatory agendas because: The recent signing of the legislation and the numerous interested parties were involved in the drafting of these rules. This Act was signed into law on July 29, 1999.

The full text of the Proposed Rule is identical to the text of the Emergency Amendment published in this issue of the *Illinois Register* on page 33.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

1) Heading of the Part: Real Estate License Act

2) Code Citation: 68 Ill. Adm. Code 1450

3) Section Numbers:

1450.10	New Section
1450.15	New Section
1450.20	New Section
1450.25	New Section
1450.30	New Section
1450.35	New Section
1450.40	New Section
1450.50	New Section
1450.60	New Section
1450.65	New Section
1450.70	New Section
1450.75	New Section
1450.80	New Section
1450.85	New Section
1450.90	New Section
1450.95	New Section
1450.100	New Section
1450.105	New Section
1450.110	New Section
1450.115	New Section
1450.120	New Section
1450.125	New Section
1450.130	New Section
1450.135	New Section
1450.140	New Section
1450.145	New Section
1450.150	New Section
1450.155	New Section
1450.160	New Section
1450.165	New Section
1450.170	New Section
1450.175	New Section
1450.180	New Section
1450.185	New Section
1450.190	New Section
1450.195	New Section
1450.200	New Section
1450.205	New Section
1450.210	New Section
1450.215	New Section
1450.220	New Section
1450.225	New Section

Proposed Action:

1450.10	New Section
1450.15	New Section
1450.20	New Section
1450.25	New Section
1450.30	New Section
1450.35	New Section
1450.40	New Section
1450.50	New Section
1450.60	New Section
1450.65	New Section
1450.70	New Section
1450.75	New Section
1450.80	New Section
1450.85	New Section
1450.90	New Section
1450.95	New Section
1450.100	New Section
1450.105	New Section
1450.110	New Section
1450.115	New Section
1450.120	New Section
1450.125	New Section
1450.130	New Section
1450.135	New Section
1450.140	New Section
1450.145	New Section
1450.150	New Section
1450.155	New Section
1450.160	New Section
1450.165	New Section
1450.170	New Section
1450.175	New Section
1450.180	New Section
1450.185	New Section
1450.190	New Section
1450.195	New Section
1450.200	New Section
1450.205	New Section
1450.210	New Section
1450.215	New Section
1450.220	New Section
1450.225	New Section

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

1450.230	New Section
1450.235	New Section
1450.240	New Section
1450.245	New Section
1450.250	New Section
1450.255	New Section
1450.260	New Section
1450.265	New Section
1450.270	New Section
1450.275	New Section
1450.280	New Section
1450.285	New Section
1450.290	New Section
1450.295	New Section
1450.300	New Section
1450.305	New Section
1450.310	New Section
1450.315	New Section
1450.320	New Section
1450.325	New Section
1450.330	New Section
1450.335	New Section
1450.340	New Section

- 4) Statutory Authority: Implementing and authorized by the Real Estate License Act of 2000 [PA 91-245].
- 5) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2000 the Office of Banks and Real Estate will commence licensing under the Real Estate Licensing Act of 2000. The proposed rules set forth definitions, license requirements, and other administrative rules needed to implement the new program.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

Tom Schlenhardt
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701
217/782-3000

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Licensees under the Real Estate License Act of 2000.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The reason this rule was not on the regulatory agenda was due to the recent signing of the legislation and that numerous interested parties were involved in the drafting of these rules. This Act was signed into law on July 22, 1999.

The full text of the Proposed Rule is identical to the text of the Emergency Amendment published in this issue of the *Illinois Register* on page 707 :

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Real Estate License Act

2) Code Citation: 68 Ill. Adm. Code 1450

3) Section Numbers: Proposed Action:

1450.10	Repeal
1450.11	Repeal
1450.12	Repeal
1450.15	Repeal
1450.17	Repeal
1450.18	Repeal
1450.19	Repeal
1450.20	Repeal
1450.25	Repeal
1450.30	Repeal
1450.40	Repeal
1450.45	Repeal
1450.50	Repeal
1450.60	Repeal
1450.70	Repeal
1450.80	Repeal
1450.90	Repeal
1450.95	Repeal
1450.100	Repeal
1450.110	Repeal
1450.120	Repeal
1450.140	Repeal
1450.150	Repeal
1450.170	Repeal
1450.175	Repeal
1450.180	Repeal
1450.185	Repeal
1450.190	Repeal
1450.195	Repeal
1450.200	Repeal
1450.215	Repeal
1450.230	Repeal
1450.240	Repeal
1450.250	Repeal
1450.270	Repeal
1450.280	Repeal
1450.290	Repeal
1450.300	Repeal
1450.305	Repeal
1450.310	Repeal
1450.315	Repeal
1450.320	Repeal
1450.325	Repeal

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED REPEALER

1450.330 Repeal
 1450.335 Repeal
 1450.340 Repeal
 1450.345 Repeal
 1450.350 Repeal
 1450.355 Repeal
 1450.360 Repeal

4) Statutory Authority: Implementing and authorized by the Real Estate License Act of 2000 (PA 91-245).

5) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2000 the Office of Banks and Real Estate will commence licensing under the new Real Estate Licensing Act of 2000. OBRE is repealing this Part by emergency rules and adopting new rules at the same Part. The proposed rules set forth definitions, license requirements, and other administrative rules needed to implement the new program.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed repealer to the attention of:

Tom Schlenhardt
 Legislative Liaison
 Office of Banks and Real Estate
 500 East Monroe, Suite 900
 Springfield, IL 62701
 217/782-3000

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Licensees under the Real Estate License Act of 2000.

B) Reporting, bookkeeping or other procedures required for compliance:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED REPEALER

None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: due to the recent signing of the legislation and that numerous interested parties were involved in the drafting of these rules. This Act was signed into law on July 22, 1999

The full text of the Proposed Repealer is identical to the text of the Emergency Amendment published in this issue of the Illinois Register on page 188.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

1) Heading of the Part: Real Estate Timeshare Act

2) Code Citation: 68 Ill. Adm. Code 1451

3) Section Numbers:

1451.10	New Section
1451.20	New Section
1451.30	New Section
1451.40	New Section
1451.50	New Section
1451.60	New Section
1451.70	New Section
1451.80	New Section
1451.90	New Section
1451.95	New Section
1451.100	New Section
1451.200	New Section
1451.210	New Section
1451.300	New Section

Proposed Action:

1451.10	New Section
1451.20	New Section
1451.30	New Section
1451.40	New Section
1451.50	New Section
1451.60	New Section
1451.70	New Section
1451.80	New Section
1451.90	New Section
1451.95	New Section
1451.100	New Section
1451.200	New Section
1451.210	New Section
1451.300	New Section

4) Statutory Authority: Implementing and authorized by the Real Estate Timeshare Act [765 ILCS 101].

5) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2000 the Office of Banks and Real Estate will commence licensing under the Real Estate Timeshare Act. The proposed rules set forth definitions, license requirements, and other administrative rules needed to implement the new program.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Tom Schlenhardt
Legislative Liaison
Office of Banks and Real Estate

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED RULE

500 East Monroe, Suite 200
Springfield, Illinois 62701
217/782-3000

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Registered entities under the Real Estate Time-Share Act.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: of the recent signing of the legislation and that numerous interested parties were involved in the drafting of these rules. This Act was signed into law on August 4, 1999.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: The Travel Regulation Council
- 2) Code Citation: 80 Ill. Adm. Code 3000
- 3) Section Numbers:
3000.400
3000.Appendix A
Proposed Action:
Amend
- 4) Statutory Authority: Implementing and authorized by Sections 12-1, 12-2, 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2, 12-3]
- 5) A. Complete Description of the Subjects and Issues Involved: Amendments to Section 3000.400 revise an incorporated reference to the Federal Register publication which summarizes federal lodging rates. Amendment to Section 3000.Appendix A increases lodging rates in Rock Island County and Washington, D.C.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield IL 62706
217/782-9669

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking did not come to the Department's attention until after the timeframe in which a regulatory agenda was to be filed.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appear on pages 1, 2 of this edition of the Illinois Register.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Travel2) Code Citation: 80 Ill Adm. Code 28003) Section Numbers:
2800 Appendix A Proposed Action:
Amend4) Statutory Authority: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of the State Finance Act [30 ILCS 105/12, 12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000).5) A Complete Description of the Subjects and Issues Involved: The amendment increases lodging rates in Rock Island County and Washington, D.C.6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes.7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield IL 62706
217/782-9669

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: NoneB) Reporting, bookkeeping or other procedures required for compliance:
NoneC) Types of professional skills necessary for compliance: None13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking did not come to the Department's attention until after the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

timeframe in which a regulatory agenda was to be filed.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appear on page 398 of this edition of the Illinois Register.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Licensing Standards for Child Welfare Agencies2) Code Citation: 89 III. Adm. Code 4013) Section Numbers:
401.230 Proposed Actions
Appendix C Amend4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10]5) A Complete Description of the Subjects and Issues Involved:

Section 401.230(g) is being amended to require that agencies submit a management statement regarding the agency's financial condition and operations as opposed to a financial analysis completed by a certified public auditor.

Appendix C is being amended to require the chief fiscal officer and an authorized representative of the governing body prepare responses to representations regarding the operations of the child welfare agency.

The current rule requires that the questions in Appendix C be addressed by the certified public auditor as a part of the child welfare agency's annual audit. The Department is changing this requirement for the following reasons:

1. The American Institute of Certified Public Accountants Professional Standards preclude an auditor from attesting to auditee representations regarding adequacy of accounting systems and reporting on matters relating to solvency; and
2. Auditors would be required to expand the scope of their procedures and testing to be able to attest to auditee agency management representations on the other questions. This increases the scope of the audit and the cost of the audit to the agencies.

The proposed amendments allow the Department to secure preliminary indicators of the basic financial management capacity and fiscal health of licensed child welfare agencies without necessitating additional audit costs.

6) Will this proposed amendment replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No

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9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Sue Howell
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking affects small businesses that are licensed as child welfare agencies by the Department.

B) Reporting, bookkeeping or other procedures required for compliance: There are no additional bookkeeping requirements associated with these amendments.

C) Types of professional skills necessary for compliance: No additional professional skills are required as a result of these proposed amendments.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because the Department did not anticipate the need to amend this Part when the two most recent Agendas were published.

The full text of the Proposed Amendments begins on the next page.

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: REQUIREMENTS FOR LICENSURE

PART 401
LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

Section	
401.1	Purpose (Repealed)
401.2	Definitions (Repealed)
401.3	Effective Date of Standards (Repealed)
401.4	Application for License (Repealed)
401.5	Application for Renewal of License (Repealed)
401.6	Provisions Pertaining to License (Repealed)
401.7	Provisions Pertaining to Permit (Repealed)
401.8	Incorporation (Repealed)
401.9	Composition and Responsibilities of the Governing Body (Repealed)
401.10	Finances (Repealed)
401.11	The Administrator (Repealed)
401.12	Social Work Supervisors (Repealed)
401.13	Child Welfare Workers (Repealed)
401.14	Professional Staff (Repealed)
401.15	Support Personnel (Repealed)
401.16	Volunteers (Repealed)
401.17	Background Checks (Repealed)
401.18	Legal Safeguards of Children Served (Repealed)
401.19	Required Written Consents (Repealed)
401.20	Agency Responsibility (Repealed)
401.21	Interstate Placement of Children (Repealed)
401.22	Health and Medical Services for Children (Repealed)
401.23	Records and Reports (Repealed)
401.24	Records Retention (Repealed)
401.25	Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes (Repealed)
401.26	Severability of This Part (Repealed)
SUBPART A: INTRODUCTION AND DEFINITIONS	
401.30	Purpose
401.40	Definitions
SUBPART B: PERMITS AND LICENSES	
401.100	Application for License
401.110	Provisions Pertaining to Permits
401.120	Provisional Licenses
401.130	Provisions Pertaining to Licenses
401.140	Application for Renewal of License

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401.150 Acceptance of Accreditation in Lieu of License Renewal Study
401.160 Voluntary Surrender of License

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

401.200	Incorporation
401.210	Composition and Responsibilities of the Governing Body
401.220	Organization and Administration
401.230	Finances
401.240	Background Checks
401.250	Required Reporting to the Department
401.260	Required Record Keeping
401.270	Records Retention

SUBPART D: PERSONNEL REQUIREMENTS

401.300	The Executive Director
401.310	Child Welfare Supervisors
401.320	Child Welfare Workers
401.330	Licensing Staff
401.340	Professional Staff
401.350	Support Personnel
401.360	Use of Volunteer Services
401.370	Non-Discrimination Against Employees Who Report Suspected Licensing Violations
401.380	Personnel Records

SUBPART E: SERVICES TO CHILDREN

401.400	Legal Safeguards of Children Served
401.410	Required Written Consents
401.420	Agency Responsibility
401.430	Interstate Placement of Children
401.440	Health and Medical Services for Children
401.450	Transportation of Children
401.460	Agency Supervised Foster Family Homes, Group Homes and Day Care Homes
401.470	Agency Responsibilities for Adoption Services
401.480	Agency Responsibilities for Independent Living Programs

SUBPART F: SEVERABILITY CLAUSE

401.500	Severability of This Part
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APPENDIX A Licensing Progression for Child Welfare Agencies

APPENDIX B Requirements for Operation of Branch Offices

APPENDIX C Management Representations ~~Financial~~ **Financial** ~~Analysis~~ of Child Welfare Agency Financial Condition and Operations

APPENDIX D Minimum Requirements for a Risk Management Plan

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- APPENDIX E Acceptance of Voluntary Surrender of License - No Investigations Pending
- APPENDIX F Acceptance of Voluntary Surrender of License - Investigations Pending
- APPENDIX G Acceptable Human Services Degrees
- APPENDIX H Professionals Who Must Be Registered or Licensed to Practice in the State of Illinois

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 101].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4302, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 9151, effective July 1, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 13929 and 14379; emergency expired on November 26, 1997; amended at 22 Ill. Reg. 10329, effective May 26, 1998; amended at 24 Ill. Reg. _____, effective _____.

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

Section 401.230 Finances

- a) The agency shall maintain a degree of financial solvency that insures adequate care of the children for whom it has assumed responsibility. An agency is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors. (This definition of "insolvency" is based on the definition contained in the United States Bankruptcy Code of 1978, 11 USC 541(c)-10(26).)
- b) The agency shall designate a chief fiscal officer who is responsible for the management of financial operations and the development of an annual operating budget. The board shall review and vote whether to accept, modify, or reject the proposed annual operating budget prior to the beginning of the agency's fiscal year. A copy of the approved annual operating budget shall be appended to the minutes of the meeting during which the budget was approved.
- c) At least once per quarter, a report shall be submitted to the Board of Directors comparing budgeted revenues and expenses with actual revenues and expenses to the board of directors for their review and acceptance, request for modification, or rejection as insufficient.
- d) The agency shall maintain fiscal records that which shall include:
 - 1) current and projected operating budget;
 - 2) quarterly analysis of projected versus actual revenues and expenses;
 - 3) records of a corrective plan to reduce the agency's deficit, if

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- any, and progress toward complying with that plan; and
- 4) financial records annually audited and certified by public accountants not otherwise affiliated with the agency.
- e) The above records shall be maintained and kept in the State of Illinois where they shall be readily available for review by authorized representatives of the Department. If the agency contracts with an outside accounting service, the agency must include in its contract the required availability of fiscal records to the Department.
- f) A certified copy of the agency's annual audit as performed by an independent auditor shall be submitted to authorized Department staff upon request.
- g) The agency shall submit the management representations regarding agency financial condition and operations, as ~~original financial analysis~~ required by Appendix C of this Part, to the ~~authorized licensing worker and a copy to the Central Office of Licensing~~ ~~financial analysis shall be submitted to the~~ Department within 180 days after the end of the agency's fiscal year.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

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Section 401. APPENDIX C Management Representations Financial Analysis of Child Welfare Agency Financial Condition and Operations

The chief fiscal officer and an authorized representative of the governing body ~~A certified public auditor who is not affiliated with the child welfare agency~~ other than to perform the annual audit required by this Part, shall prepare responses to the following representations questions about the operations of the child welfare agency for the prior fiscal year and submit them to the Department within 180 days after the end of the agency's fiscal year. This response shall be on a form provided by the Department and shall be signed and dated by the chief fiscal officer and the authorized representative of the governing body. When the child welfare agency functions within a larger multi-service agency, the responses to these questions shall be limited to the operation of the child welfare agency.

1) Does the agency have an adequate accounting or bookkeeping system which accounts for receipts, disbursements, assets and liabilities?

1) The agency has a bookkeeping system that includes include, minimally, a chart of accounts and appropriate accounting journals.

2) The agency has paid its payrolls Has the agency failed to meet any agency payroll in accordance with the specified payroll schedule?

3) The agency has paid Has the agency failed to pay relative caregivers and/or foster parents in accordance with its established payment schedules schedule?

4) All Has the agency been delinquent in paying its payroll taxes or other tax liabilities have been paid on or in advance of the date required by all taxing authorities?

5) The agency has not defaulted on any debt. Has the agency defaulted on agency debt?

6) The agency has billed funding agencies within 60 days for amounts due. Has the agency failed to bill on a timely basis for amounts due to the agency?

7) The agency has not failed to collect billings and has not had to write off billings. Has the agency failed to collect bad debts? Has the agency had to write off bad debts?

8) The agency has adequate assets to provide for agency operations and Has the agency failed to maintain adequate assets to provide continuous agency operations and provide services such as staff, taxes, rent, utilities, and supplies for a period of at least 30 days?

9) The Has the agency has not loaned money to agency employees or members of the board of directors?

10) The agency does not have an operating deficit for the year. If the agency has a cumulative operating deficit which is not attributable to a planned one-time increase in expenditures, has the agency developed and implemented a corrective plan which has been submitted to the governing body for approval?

If the answer to any of the questions 3 through 10 is "yes", please provide

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details which explain the "yes" answer attaching additional sheets as necessary.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3) Section Numbers: Proposed Action:

300.30 Amended

300.160 Amended

4) Statutory Authority: 325 ILCS 5/4 and 325 ILCS 5/4.2

5) A Complete Description of the Subjects and Issues Involved: Section 300.20 complies with the statutory requirement that the Department add advanced practice nurses and home health aides to the list of those persons mandated to report child abuse or neglect. Section 300.160 complies with the statutory requirement that the Department prepare child death review reports for deaths reported to the State Central Register and issue an annual cumulative report to the Governor and General Assembly that incorporates the data of the individual reports. Other amendments incorporate language to include the Department's Office of the Inspector General in the death review process and the correction of grammatical errors.

6) Will this amended rule sections replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amended rule sections contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: The amended Sections do not expand a state mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe Street, Station #65
Springfield, Illinois 62701-1498
Telephone: 217/524-1983
TDD: 217/524-3715

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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FAX: 217/557-0692

E-Mail address: cfpolicy@dcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities not for profit Corporation affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did not foresee the need for this rulemaking when it submitted its most recent regulatory agenda.

The full text of the Proposed Amendments sections begins on the next page.

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 300

REPORTS OF CHILD ABUSE AND NEGLECT

Section	Purpose
300.10	Definitions
300.20	Reporting Child Abuse or Neglect to the Department
300.30	Content of Child Abuse or Neglect Reports
300.40	Transmittal of Child Abuse or Neglect Reports
300.50	Special Types of Reports (Recodified)
300.60	Referrals to the Local Law Enforcement Agency and State's Attorney
300.70	Delegation of the Investigation
300.80	Time Frames for the Investigation
300.90	Initial Investigation
300.100	The Formal Investigative Process
300.110	Taking Children into Temporary Protective Custody
300.120	Notices Whether Child Abuse or Neglect Occurred
300.130	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.140	Referral for Other Services
300.150	Special Types of Reports
300.160	Child Death Review Teams
300.170	Acknowledgement of Mandated Reporter Status
APPENDIX A	Child Abuse and Neglect Allegations
APPENDIX B	

AUTHORITY: Implemented and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.110, 302.111, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356,

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effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15638, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 300.30 Reporting Child Abuse or Neglect to the Department

a) Reports of suspected child abuse or neglect may be immediately made to the State Central Register via its toll-free number (1-800-25A-BUSE) at any time, day or night, or on any day of the week. Reports may also be made to the nearest Department office. The Department encourages use of the toll-free hotline number.

b) Persons Mandated to Report Child Abuse or Neglect

1) Types of Mandated Reporters

Any of the following individuals who have reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected shall immediately report or cause a report to be made to the Department. These mandated reporters include:

- A) physicians, residents, and interns;
- B) hospitals;
- C) hospital administrators and personnel engaged in the examination, care and treatment of persons;
- D) surgeons;
- E) dentists;
- F) dentist hygienists;
- G) osteopaths;
- H) chiropractors;
- I) podiatrists;
- J) Christian Science practitioners;
- K) coroners;
- L) medical examiners;
- M) emergency medical technicians;
- N) crisis line or hotline personnel;
- O) school personnel;
- P) educational advocate assigned to a child pursuant to the School Code;
- Q) school officers;
- R) social workers;
- S) social services administrators;

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- T) domestic violence program personnel;
 U) registered nurses;
 V) licensed practical nurses, advanced practice nurses, home health aides;
 W) directors or staff assistants of nursery schools or child day care centers;
 X) recreational program or facility personnel;
 Y) law enforcement officers;
 Z) registered psychologists;
 AA) assistants working under the direct supervision of a psychologist or psychiatrist;
 BB) field personnel of the Illinois Departments of Public Aid, Public Health, Mental Health and Developmental Disabilities, Corrections, Children and Family Services, Human Rights or Rehabilitation Services;
 CC) probation officers;
 DD) foster parents, homemakers or any other child care worker;
 EE) supervisors and administrators of General Assistance under the Illinois Public Aid Code;
 FF) substance abuse treatment personnel; or
 GG) funeral home directors or their employees.
- 2) Acknowledgement of Reporting Responsibility
- A) Individuals who became mandated reporters on or after July 1, 1986, by virtue of their employment shall sign statements acknowledging that they are mandated to report suspected child abuse and neglect in accordance with Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4]. The statement shall be on a form prescribed by the Department, but provided by the employer. (See Appendix A.) The statement shall be signed before beginning employment and shall be retained by the employer as a permanent part of the personnel record.
- B) The Department shall provide, upon request at a reasonable cost of \$.50 each, copies of the Abused and Neglected Child Reporting Act to all employers employing persons who are mandated to report under this Act.
- 3) Interference with Reporting Prohibited
- A) Mandated reporters who report instances of child abuse or neglect in their capacity as members of the staff of a medical or other public or private institution, school, facility or agency, may also notify the person in charge or designee of such institution, school, facility or agency that a report has been made. However, the person in charge or designee may not exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department. [325 ILCS 5/4]
- B) Any person who knowingly and willfully violates any provision of this Section shall be guilty of a Class A

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- C) *misdeemeanor.* [325 ILCS 5/4]
Employees shall not discriminate in any manner against employees who make good faith reports of suspected child abuse or neglect or who act as witnesses or testify in an investigation or proceeding concerning a report of suspected child abuse or neglect. [325 ILCS 5/9.1]
- 4) Consequences of Failure to Report
- A) The privileged quality of communication between any professional person required to report and patient or client shall not constitute grounds for failure to report suspected child abuse or neglect. Mandated reporters who willfully fail to report suspected child abuse or neglect are subject to license suspension or revocation in accordance with the following statutes:
- i) Nursing Act of 1987 [225 ILCS 65];
 - ii) Medical Practice Act of 1987 [225 ILCS 60];
 - iii) Podiatric Medical Practice Act of 1987 [225 ILCS 100];
 - iv) Clinical Psychologist Licensing Act [225 ILCS 15];
 - v) Clinical Social Work and Social Work Practice Act [225 ILCS 20];
 - vi) The School Code [105 ILCS 5]; and
 - vii) The Illinois Dental Practice Act [225 ILCS 25]; ⁷
- Viii) Physician Assistant Practice Act of 1987 [225 ILCS 95];
- ix) Illinois Optometric Practice Act of 1987 [225 ILCS 80];
- x) Illinois Physical Therapy Act [225 ILCS 90]; and
- xi) Illinois Athletic Trainers Act [225 ILCS 5].
- B) *Any physician who willfully fails to report child abuse or neglect shall be referred to the Illinois State Medical Disciplinary Board for action. Any other person required to report suspected child abuse or neglect who willfully fails to report such abuse or neglect shall be guilty of a Class A misdemeanor.* [325 ILCS 5/4]
- 5) Written Confirmation of Reports
- Mandated reporters shall confirm their telephone report in writing on a form prescribed by the Department within 48 hours of the oral report. The Department shall provide forms to mandated reporters—one for the exclusive use of medical professionals and another for use by all other mandated reporters. These confirmation reports shall be admissible as evidence in any administrative or judicial proceeding related to child abuse or neglect. Local investigative staff shall transmit confirmation reports to the State Central Register within 24 hours of receipt.
- c) Other Persons May Report
- Other persons may report suspected child abuse or neglect if they have reasonable cause to believe a child may be abused or neglected.

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- d) Consequences of False Reporting
Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 1961 [720 ILCS 5/26-1(a)(7)]. A violation of this subsection is a Class B misdemeanor, punishable by a term of imprisonment for not more than 6 months, or by a fine not to exceed \$500, or both. Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony. [325 ILCS 5/4] The Department shall refer cases of false reporting to the local State's Attorney when the reporter is known.
- e) Cooperation in Court or Administrative Hearings
Any person who makes a report or who investigates a report may be ordered by the Court to testify fully in any judicial proceeding resulting from the report about any evidence of the abuse or neglect or the cause of the abuse or neglect. Any mandated reporter listed in subsection (b)(1) who makes a report of suspected child abuse or neglect shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse or neglect or the cause thereof. No evidence shall be excluded because of any common law or statutory privilege regarding communications between the alleged perpetrator or the child subject and the person making or investigating the report.
- f) Referrals to Public Health
All mandated reporters listed in subsection (b)(1) may refer to the Department of Public Health any prenatant person in Illinois who is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act [720 ILCS 30/1].
- g) Depending upon Spiritual Means Through Prayer Alone for the Treatment or Cure of Disease or Remedial Care
A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian, or custodian accepts and practices such beliefs. [325 ILCS 5/4] Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and medical care necessary to treat or prevent that harm or risk of harm is not being provided because a parent or other person responsible for the child's welfare depends upon such spiritual means, the child shall be subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to the child and his health needs.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Four types of child abuse or neglect reports shall receive special attention as specified below:

- a) Incident Involving the Death of a Child
1) The Department shall immediately contact the appropriate medical examiner or coroner, the local law enforcement agency, and the State's Attorney when there is reasonable cause to suspect that a child has died as a result of abuse or neglect. The child protective investigator assigned to the investigation shall require a copy of the completed autopsy report from the coroner or medical examiner.
- 2) The Department shall refer to the child death review teams described in Section 300.170 of this Part the death of any child who is:
- A child for whom the Department of Children and Family Services is legally responsible;
 - A child being served in an open service case either by the Department or through purchase of service contracts with private agencies;
 - The subject of a pending child abuse or neglect investigation; or
 - A child who was the subject of an abuse or neglect investigation at any time during the 12 months immediately preceding the child's death;
 - Any other child whose death is reported to the State central register as a result of alleged child abuse or neglect if the report is subsequently indicated.
- 3) The Department shall cooperate with the work of the Office of the Inspector General and the child death review teams by:
- providing to the team all records and case information relevant to the review, including records and information concerning all available previous reports or investigations of suspected child abuse or neglect. Other records and case information relevant to the review include:
 - birth certificates;
 - all relevant medical and mental health records;
 - records of law enforcement agency investigations;
 - records of coroner or medical examiner investigations;
 - records of the Department of Corrections concerning a person's parole;
 - records of a probation and court services department, and records of a social service agency that provided services to the child or the child's family;
 - assisting the Office of the Inspector General and the team in its review of the child's death;
 - reporting on any follow-up interventions suggested by the Office of the Inspector General or the team;
 - providing follow-up on death review--team cases where circumstances surrounding the death suggest other children

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- may be at risk. Follow-up may include, but is not limited to:
- i) further investigation;
 - ii) risk assessment;
 - iii) grief counseling for other children in the family;
 - iv) referrals for other services as appropriate;
- E) providing information and consultation regarding the juvenile court process and the availability of the court to protect or intervene with surviving siblings; and
- F) assisting with making arrangements for the date, time, and location of team meetings.
- 4) The Department shall prepare individual death review reports and issue an annual cumulative report to the Governor and General Assembly incorporating the data, appropriate findings and recommendations from the individual reports.
- A) Child death review reports shall be completed no later than six months after the date of the death of the child. Upon completion of each report the Department shall notify the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the members of the Senate and the House of Representatives in whose district the child's death occurred. Reports shall address:
- i) cause of death;
 - ii) identification of child protective or other services provided or actions taken regarding the child and his or her family;
 - iii) extraordinary or pertinent information concerning the circumstances of the child's death;
 - iv) whether the child or the child's family received assistance, care, or other social services prior to the child's death;
 - v) actions or further investigation undertaken by the Department since the death of the child; and
 - vi) recommendations concerning child protective, child welfare, or prevention issues.
- B) Reports shall not contain information identifying the name of the deceased child, his or her siblings, parents or other persons legally responsible for the child, or any other members of the child's household.
- C) Reports concerning the death of a child and the cumulative reports shall be made available to the public after completion or submittal.
- i) A child-specific request for a report may be honored by the Department when the Department determines that disclosure of the information is not contrary to the best interest of the deceased child's siblings or other children in the household.

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- ii) The Department shall not release or disclose to the public the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical report pertaining to the deceased child or the child's family except as it may apply directly to the cause of the child's death.
- D) The Department may request and shall receive in a timely fashion from departments, boards, bureaus, or other agencies of the State or any of its political subdivisions, or any duly authorized agency, or any other agency that provided assistance, care or services to the deceased child, any information they are authorized to provide to enable the Department to prepare the report.
- b) Reports involving Child Care Facilities

Reports alleging abuse or neglect of children in child care facilities shall be made and received in the same manner as other reports. The appropriate supervisor or administrator at the facility shall be notified once the formal investigation has been commenced. Department licensing staff will be notified of all reports on licensed facilities upon commencement of the formal investigation. The Department shall advise the supervisor or administrator of their responsibility to take reasonable action necessary, based on all relevant circumstances and the allegations being investigated, to insure that the alleged perpetrator of the reported abuse or neglect is restricted from contact with children in the facility during the course of the formal investigation.
- c) Reports Involving Schools

When a report is received alleging abuse or neglect of a child by a school employee known to the child through the employee's official or professional capacity, the Department will take the following actions:

 - 1) to the extent possible, conduct an investigation involving a teacher at a time when the teacher is not scheduled to conduct classes.
 - 2) conduct investigations involving other school employees in such a way as to minimize disruption of the school day.
 - 3) make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor, if the report does not involve allegations of sexual abuse or extreme physical abuse.
 - 4) when a report of alleged abuse involving a teacher occurred in the course of the teacher's efforts to maintain safety for other students, determine whether the teacher used reasonable force in accordance with rules established by the local board of education as authorized by the School Code [105 ILCS 5].
 - 5) advise school officials that they may, in accordance with the School Code [105 ILCS 5], withhold from any person, information on the whereabouts of any child removed from school premises, when the child has been taken into protective custody as a victim

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of suspected child abuse and that they may direct persons seeking information to the Department or to the local law enforcement agency.

- 6) advise school employees accused of child abuse or neglect of their due process rights, of the steps in the investigative process, and that they may have their superior, association or union representative, and attorney present at any interview or meeting at which the school employee is present.

- 7) Prior to indicating a report involving a school employee, the Department will take the following steps:

- A) send the employee a copy of the investigative file with identifying information deleted. Any materials and evidence submitted to the Department subsequent to sending the employee a copy of the investigative file shall be sent to the employee upon receipt by the Department;

- B) allow the school employee, prior to the final finding, an opportunity to:
 - 1) present evidence to the contrary regarding the report; and

- i) request an informal conference at which the employee may present the additional evidence and/or, subject to the discretion of the Department, confront the accuser, provided the accuser is 14 years of age or older.

- 8) If an informal conference is requested, the Department shall schedule the conference after receipt by the employee of the copy of the investigative file, and shall:
 - A) conduct the conference in a neutral setting away from the school grounds during hours when school is not in session, unless requested otherwise by the school employee;

- B) notify the following persons of the conference, if the purpose of the conference is merely to submit additional evidence:
 - i) the school employee and representative,
 - ii) Department representatives including the investigative worker;

- C) notify the following additional persons if the employee wishes to confront the accuser and the Department has approved such a confrontation:
 - i) the accuser, provided the accuser is 14 years of age or older, and the accuser's parents, guardian and/or representative of a Child Advocacy Center, when involved in the case. (The accuser is the person who has made the allegation of abuse or neglect. The accuser is not necessarily the same as the reporter.)

- ii) representatives of the State's Attorney's Office or law enforcement agency in the county where the alleged incident occurred, when the State's Attorney's Office

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or law enforcement agency are currently involved in the investigation and/or are considering filing criminal charges in the case.

- iii) persons identified by the employee who have information relevant to the report, who will be included in only those portions of the conference pertaining to their testimony;

- D) following the conference, allow the school employee at least five calendar days to present additional evidence to the Department;

- E) make a final determination with regard to the report in accordance with Section 300.110 of this Part.

- 9) No such conference will be allowed when there is a criminal investigation pending and the Department has been advised by law enforcement authorities or the State's Attorney not to allow a face-to-face confrontation between the accused and the accuser.

- 10) When determining whether to allow the school employee to confront an accuser who is 14 years or older, the Department shall take the following into consideration:
 - A) whether, due to the nature of the allegation, a confrontation with the accused school employee would cause excessive trauma to the child, and

- B) whether the child has a documented history of mental, emotional or developmental problems.

- 11) The Department shall inform the child and the child's parents in writing prior to the conference and orally at the conference that:
 - A) they may decline to attend or proceed with the conference, and

- B) if they do attend, they may refuse to answer any questions posed, and

- C) if the child attends, he or she has the right to have an attorney or other person representing his or her interests present at the conference, in addition to his or her parents or guardian.

- 12) Child's or parent's refusal to attend a conference or to answer questions shall not be grounds for unfounding an otherwise credible report.

- 13) All proceedings shall be confidential and no statement, summary, transcript, recording or other investigative product shall be released except on written order of the court, or in compliance with the confidentiality provisions of the Abused and Neglected Child Reporting Act. Violations of these provisions is a Class A misdemeanor [325 ILCS 5/11.1].

- 14) Whether or not an informal conference has been conducted, the school employee retains all other appeal rights provided in the Abused and Neglected Child Reporting Act [325 ILCS 5/7.16] and 89 Ill. Adm. Code 336 (Appeal of Child Abuse and Neglect

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Investigation Findings).

- d) Reports Involving State Facilities and State Employees Acting in Their Official Capacity
- When reports are received alleging abuse or neglect of children by any State of Illinois Department or any State employee acting in his or her official capacity, the report-taker will immediately notify the Director of the Department or designee. The Director or designee will transmit the details of the report to the Division of Internal Investigation, Illinois Department of State Police.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

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- 1) Heading of the Part: Annual Privilege Tax
- 2) Code Citation: 50 Ill. Adm. Code 2510
- 3) Section Numbers: Proposed Action:
2510.60 Amendment
- 4) Statutory Authority: Implementing Section 409 and authorized by Sections 401 and 409(5) of the Illinois Insurance Code [215 ILCS 5/401, 409 and 409(5)].
- 5) A Complete Description of the Subjects and Issues Involved: To clarify the calculation of the income tax deduction to the privilege tax when a company is a part of State income tax Unitary Group.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this amendment contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- Chuck Feinen
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-4515
- Denise Hamilton
Department of Insurance
or
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8560
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Clerical and

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accounting skills

13) Regulatory Agenda on which this Amendment was summarized: July 1999

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER 1: DEPARTMENT OF INSURANCE
SUBCHAPTER ee: FEES, CHARGES AND TAXES

PART 2510
ANNUAL PRIVILEGE TAX

Section	Purpose
2510.10	Applicability
2510.20	Severability
2510.30	Definitions
2510.40	Calculations of Annual Privilege Tax Amount
2510.50	Deductions to Annual Privilege Tax Amount
2510.60	Payment Schedule for the Annual Privilege Tax
2510.70	Annual Privilege Tax Allocation in Merger, Consolidation, Reorganization, or Reincorporation
2510.80	Annual Privilege Tax Filing Requirements
2510.90	Waiver, Deferral, or Abatement of the Annual Privilege Tax
2510.100	Civil Penalties and Interest
2510.110	Hearings
2510.120	ILLUSTRATION A Calculation of the Annual Privilege Tax
	ILLUSTRATION B Unitary Group Allocation Calculation
	ILLUSTRATION C Annual Privilege and Retailatory Tax Return and Quarterly Tax Statement
	ILLUSTRATION D Direct Business in the State of Illinois

AUTHORITY: Implementing Section 409 and authorized by Sections 401 and 409(5) of the Illinois Insurance Code [215 ILCS 5/401, 409 and 409(5)].

SOURCE: Adopted at 23 Ill. Reg. 209, effective December 21, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 2510.60 Deductions to Annual Privilege Tax Amount

- a) The total annual privilege tax due from a company shall be reduced, pursuant to Section 409(2) of the Code [215 ILCS 5/409(2)], as follows:
- 1) By the amount of any fire department taxes paid by the company during the preceding calendar year under Section 11-10-1 of the Illinois Municipal Code [65 ILCS 5/11-10-1]; and
 - 2) By any excess amount, on the annual privilege tax due date, that the company's aggregate income taxes paid in the preceding calendar year (January 1 through December 31) under Section 201(a) through (d) of the Illinois Income Tax Act [35 ILCS 5/201(a) through (d)] exceed 1.5% of the company's net taxable premium written.
- A) A company's aggregate income taxes paid shall be the total

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of the corporate and replacement income tax paid in the preceding calendar year (January 1 through December 31).

- B) The aggregate income taxes paid shall be reduced by any corporate and/or replacement income tax cash refunds received in that same calendar year if that cash refund had been considered part of the aggregate income taxes paid for an offset calculation in subsection (a)(2) of this Section taken in a preceding calendar year. If no deduction was taken pursuant to subsection (a)(2) of this Section (in which the corporate and/or replacement income tax cash refund received was part of the aggregate income taxes paid used in determining the calculation pursuant to subsection (a)(2) of this Section) then the aggregate income taxes paid for the calendar year in which that corporate and/or replacement income tax cash refund is received shall not be reduced by that tax cash refund amount.

- b) If the company is part of a state income tax Unitary group, to determine each company's state aggregate income tax offset pursuant to subsection (a)(2) of this Section, an allocation of the aggregate income taxes described in subsection (a)(2) of this Section must be completed pursuant to the following:

- 1) The allocation of the aggregate income taxes paid for the unitary group will be based on each individual company's Illinois premium written, including annuity considerations (excluding annuity deposit funds), as reported in each company's Annual Statement as a percentage of the Unitary group's total Illinois premium written. Each company's determination of the aggregate income taxes paid is the allocation percent multiplied by the Unitary group's amount of the corporate and replacement income taxes paid in the calendar year, less the Unitary group's tax cash refunds received in that same calendar year if that tax cash refund had been considered part of the aggregate income taxes paid for an offset calculation in subsection (a)(2) of this Section taken in the preceding calendar year multiplied by that company's allocation percentage. Illustration B is an example of this calculation.

- 2) Each company may only use its allocated portion for the determination of the aggregate income tax deduction and may not transfer any allocated aggregate income taxes to another company or carry forward to another year.

- c) Any deductible amount or offset allowed to be taken and which is not used or is taken pursuant to subsections (a)(1) and (2) of this Section for any calendar year will not be allowed as a deduction or offset against the company's annual privilege tax for any other taxing period or calendar year.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Annual Retailatory Tax

- 2) Code Citation: 50 Ill. Adm. Code 2515

- 3) Section Numbers:
2515.10
2515.10
2515.50
2515.60
2515.80
Proposed Action:
Amendment
Amendment
Amendment

- 4) Statutory Authority: Implementing Sections 444 and 444.1 of the Illinois Insurance Code (215 ICS 5/444 and 444.1) and authorized by Section 401 of the Illinois Insurance Code [215 ICS 5/401].

- 5) A Complete Description of the Subjects and Issues Involved: This Part explains the calculation of the retailatory tax, sets forth the payment informational requirements and the payment schedule for the retailatory tax. Furthermore, it explains how the 1997 retailatory tax is to be calculated and provides three illustrations which help describe informational requirements for filing the annual retailatory tax return, quarterly installment and a supplemental tax return when filing privilege tax under protest. The proposed amendments are to clarify the above referenced Sections of this Part.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No

- 7) Does this amendment contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Chuck Feinen

Staff Attorney

Department of Insurance

or

320 West Washington

Springfield, Illinois 62767-0001

(217) 782-4515

Denise Hamilton

Rules Unit Supervisor

Department of Insurance

320 West Washington

Springfield, Illinois 62767-0001

(217) 785-8560

DEPARTMENT OF INSURANCE

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: Please see Sections 2515.50, 2515.70 and 2515.80.

C) Types of professional skills necessary for compliance: Clerical and accounting skills.

13) Regulatory Agenda on which this Rule was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER 1: DEPARTMENT OF INSURANCE

SUBCHAPTER ee: FEES, CHARGES AND TAXES

PART 2515

ANNUAL RETALIATORY TAX

Section	Purpose
2515.10	Applicability
2515.20	Severability
2515.30	Definitions
2515.40	Calculation of the Annual Retaliatory Tax Amount
2515.50	Payment Schedule for the Annual Retaliatory Tax
2515.60	Filing Supplemental Retaliatory Tax Return
2515.70	Annual Retaliatory Tax Return and Quarterly Statement Filing Requirements
2515.80	Civil Penalties and Interest
2515.90	Hearings
2515.100	

ILLUSTRATION A Annual Privilege and Retaliatory Tax Returns and Quarterly Tax Statements

ILLUSTRATION B Supplemental Retaliatory Tax Return

AUTHORITY: Implementing Sections 444 and 444.1 and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/401, 444 and 444.1)

SOURCE: Adopted at 23 Ill. Reg. 249, effective December 21, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 2515.10 Purpose

This Part sets forth certain procedural requirements, and explains the calculation of the Annual Retaliatory Tax that is to be collected pursuant to Sections 444 and 444.1 of the Illinois Insurance Code (215 ILCS 5/444 and 444.1) ~~see-PAR-99-583r-effective-May-29-1998~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2515.50 Calculation of the Annual Retaliatory Tax Amount

Foreign and alien companies are required to pay a retaliatory tax as calculated in subsection (e) of this Section if the sum of the State of Illinois' basis, as calculated in subsection (b) of this Section, is less than the sum of the state of incorporation's basis, as calculated pursuant to subsection (c) of this Section.

a) For the calendar year ending December 31, 1997, the sum of the State

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of Illinois' basis shall be the sum as calculated by subsection (b) of this Section, plus any tax offset allowed under Section 531.13 of the Code [215 ILCS 5/531.13], and any income taxes paid in the year 1997 under the Illinois Income Tax Act [35 ILCS 5/20(a)] through (d)] after any tax offset allowed under Section 531.13 of the Code [215 ILCS 5/531.13].

b) For calendar years starting January 1, 1998, and thereafter, the State of Illinois' basis is the sum of the amounts actually paid for the following items:

- 1) Annual Statement Filing Fee paid;
- 2) Certificate of Authority Fee paid;
- 3) Financial Regulation Fee paid;
- 4) Policy Form Filing Fee paid;
- 5) The amount of Illinois Corporate and Replacement income tax paid, decreased by the amount, if any, of any corporate and/or income replacement tax cash refund received in the same calendar year if that cash refund had been considered part of the amount of Illinois Corporate and Replacement income tax paid in the calculation of the annual retaliatory tax in a preceding year;
- 6) The amount of the annual retaliatory tax paid;
- 7) Annual Privilege tax paid;
- 8) State Fire Marshal tax paid;
- 9) Guaranty Association tax offset allowed for the individual foreign or alien company pursuant to Section 531.13 of the Code [215 ILCS 5/531.13] based on the assessments made prior to December 31, 1997 and issued by the Illinois Life and Health Guaranty Association that have been paid prior to December 31, 2002. To receive such tax offset, proof of payment (which includes the date of eligible assessment, the allowed offset percentage and a copy of the canceled check) must be included; and
- 10) Other insurance fees paid per Section 408 of the Code [215 ILCS 5/408].

c) For calendar years starting January 1, 1998, and thereafter, the state of incorporation's basis is the sum of the amounts that an Illinois domiciled company would have PAID in the foreign or alien ajcr-noregl domiciliary state or country if it transacted similar operations there as did the foreign or alien company in Illinois for the following items, or their equivalent, in the foreign or alien ajcr-noregl state or country of domicile:

- 1) Annual Statement Filing Fee paid;
- 2) Certificate of Authority Fee paid;
- 3) Financial Regulation Fee paid;
- 4) Policy Form Filing Fee paid;
- 5) The amount of income tax paid without reduction, if any was otherwise allowed, for a similar association offset as the Illinois Life and Health Guaranty Association offset as long as subsection (b)(9) of this Section is effective or until January

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1, 2003;

- 6) The amount of Fire Department tax paid;
 - 7) Annual Privilege tax, Premium tax or Franchise tax paid;
 - 8) State Fire Marshal tax paid; and
 - 9) Other insurance taxes and fees paid **charged** in the foreign or alien company's state of domicile similar to those listed in subsection (b) of this Section and which may have the following characteristics:
- A) The basis of the calculation of the tax or fee is a portion of premiums written;
- B) The tax or fee is assessed pursuant to state authority; and
- C) The tax or fee is assessed on a basis wherein the liability for the tax, fee or assessment is intended:
- i) as an adjustment of past premium charges; or
 - ii) as a means of disposing of a deficit in any state mandated insurance program wherein premium rates were regulated by the state.

d) For the purposes of this Part, the State of Illinois' basis and the state of incorporation's basis, do not, among others, include the following items, or their equivalent:

- 1) Cost Containment Fees or fees principally for collecting underwriting data;
 - 2) Workers' Compensation Rate adjustment, Second injury adjustments or other assessments of a workers' compensation system;
 - 3) Special purpose entity assessments;
 - 4) Illinois Guaranty Fund assessments;
 - 5) Illinois Life and Health Guaranty Association assessment, unless established as an offset pursuant to subsections (a) and (b) of this Section;
 - 6) Auto Theft assessment; and
 - 7) Assessments not referenced by or contained in Article XXV of the Code [215 ILCS 5/408 through 415].
- e) The retaliatory tax owed by a foreign or alien company is the difference between the sum of the state of incorporation's basis minus the sum of the State of Illinois' basis.
- (Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2515.60 Payment Schedule for the Annual Retaliatory Tax

a) For the calendar year ending December 31, 1997, the retaliatory tax for any foreign or alien company shall be as determined pursuant to Sections 444 and 444.1 of the Code [215 ILCS 5/444 and 444.1] **(see P-A--99-5897--effective-May-99-1998)** and this Part.

b) Any annual retaliatory tax returns and payments made for the year ending December 31, 1997, and any quarterly statements of the taxpayer's total estimated 1998 retaliatory tax paid prior to May 29,

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1998, which do not include the items specified by subsection 2515.50(a) of this Part, may be amended and restated at the taxpayer's election within one year after the effective date of this Part. An amended and restated return for the year ending December 31, 1997, filed under this section and pursuant to the applicable requirements of 50 Ill. Adm. Code 2515.70 shall treat any 1997 payment of estimated privilege taxes under Section 409 of the Code (215 ILCS 5/409) as in effect prior to October 23, 1997, as a payment of estimated retaliatory taxes for the year ending December 31, 1997. Any overpayment resulting from an amended return and restated retaliatory tax burden filed pursuant to this subsection shall be allowed as a credit against any subsequent privilege or retaliatory tax obligations only after such overpayment has been approved by the Department.

c) All foreign and alien companies shall make an annual retaliatory tax return for the preceding calendar year on or before March 15 subject to the applicable requirements of subsection 2515.80(a) of this Part. Payment of quarterly statements of the taxpayer's total estimated retaliatory tax for the current calendar year shall be due on or before April 15, June 15, September 15 and December 15 of such year in the amount of at least 1/4 of either the total tax paid during the previous calendar year, or 80% of the tax due to be paid for the current calendar year and shall be filed pursuant to subsection 2515.80(b) of this Part.

d) The fact that a foreign or alien company is domiciled in a state or country in which franchise and/or premium taxpayers may be granted an extension of time to pay their franchise and/or premium taxes in that state shall not affect the requirements of this Section in that such foreign or alien company must file an annual return and pay its retaliatory tax on or before March 15. Any underpayment will subject the company to penalties and interest pursuant to Section 412 of the Code and Section 2515.90 of this Part.

d) Any foreign or alien company that is domiciled in a state or country that allows an extension for the filing of franchise or premium tax must file an annual retaliatory tax return on March 15. Any underpayment will subject the company to penalties and interest pursuant to Section 412 of the Code and Section 2515.90 of this Part.

e) All companies transacting insurance in this State whose annual retaliatory tax for the immediately preceding calendar year was less than \$5,000 are not required to file quarterly statements pursuant to subsection (c) of this Section. Companies with an annual retaliatory tax of less than \$5,000 for the immediately preceding calendar year shall file only an annual retaliatory tax return pursuant to subsection (c) of this Section.

f) Failure to file an annual retaliatory tax return, even if no tax is owed, to make a timely payment, or to file a timely quarterly statement, if required, will subject the company to penalties pursuant to Section 2515.90 of this Part.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2515.80 Annual Retaliatory Tax Return and Quarterly Statement Filing Requirements

Each company required to file an annual retaliatory tax return or quarterly statement pursuant to this Part must file using the Department's ~~its~~ annual return or quarterly statement form, even if no tax is owed, with the following applicable information:

a) The applicable information set forth in the privilege/retaliatory tax return as annually sent and updated by the Department, per example shown in Illustration A of this Part, which includes, but is not limited to the following:

- 1) Name, Federal Employer Identification Number (FEIN), and address of the insurance company;
- 2) National Association of Insurance Commissioners group number and company code;
- 3) Information concerning the privilege tax calculation or, if applicable, the state of domicile's tax return completed using Illinois premiums only;
- 4) Information concerning the allocation of income taxes in a Unitary group, such as, the Unitary group's total premium written including annuities, Unitary group's total income taxes paid and the individual ~~ajor-noregi~~ premium written; and
- 5) Signature of an officer of the company attesting to the truth of the information being submitted.

(Please note that page 2 of Illustration A of this Part can be substituted by the Business Page of the Annual Statement of the National Association of Insurance Commissioners.)

b) Quarterly statements shall include, but not be limited to, the following information as set forth in Illustration A of this Part:

- 1) Name, Federal Employer Identification Number (FEIN), and address of the insurance company;
- 2) Information concerning the method by which the quarterly instalment is being calculated; and
- 3) Signature of an officer of the company attesting to the truth of the information being submitted.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Overpayments, Refunds, Amendments and Penalties

2) Code Citation: 50 Ill. Adm. Code 2525

3) Section Numbers: Proposed Action:

2525-10 Amendment
2525-20 Amendment
2525-40 Amendment
2525-45 New Section
2525-50 Amendment
2525-60 Amendment
2525-70 Amendment
2525-80 Amendment
2525-85 New Section
2525-90 Amendment
2525-ILLUSTRATION A
2525-ILLUSTRATION B
2525-ILLUSTRATION C

4) Statutory Authority: Implementing Section 412 of the Illinois Insurance Code [215 ILCS 5/412] and Section 13 of the Fire Investigation Act [4.3 ILCS 25/13] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) A Complete Description of the Subjects and Issues Involved: This Part provides the procedures by which an overpayment of taxes paid may be used and how such established overpayment may be transferred. It also sets forth the requirements of filing an amendment return and the possible penalties that could be assessed for the failure to make timely payment of fees, charges and taxes. This Part has one illustration and it describes the information required in the notice of transfer of overpayments required by this Part. The proposed amendments clarify current language and set forth the procedure by which an entity can claim a cash refund pursuant to P.A. 91-643.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this amendment contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Chuck Feinen
Staff Attorney
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-4515

Denise Hamilton
Rules Unit Supervisor
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8560

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: Please see Sections 2525-50, 2525-60, 2525-70, 2525-80, 2525-85 and 2525-90.

C) Types of professional skills necessary for compliance: Clerical and accounting skills.

13) Regulatory Agenda on which this Rule was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ee: FEES, CHARGES AND TAXES

PART 2525
OVERPAYMENTS, REFUNDS, AMENDMENTS AND PENALTIES

- Section 2525.10 Purpose
2525.20 Applicability
2525.30 Severability
2525.40 Definitions
2525.45 Calculation of the 6-Year Period Limitation
2525.50 Overpayments Concerning the Annual Privilege and Retaliatory Taxes
2525.60 Overpayments for All Other Fees, Charges or Taxes
2525.70 Amended Returns
2525.80 Cash Refund of Taxes Assessed Pursuant to Sections 409, 444 and 444.1 of the Code **Overpayment**
2525.85 Cash Refund of Other Fees, Taxes and Charges
2525.90 Transfer of Overpayments
2525.100 Penalty Assessment
2525.110 Hearings
ILLUSTRATION A Notice to Transfer a Privilege or Retaliatory Tax Overpayment of **Transfer-of-Overpayment**
ILLUSTRATION B Notice to Transfer a Surplus Lines Tax Overpayment
ILLUSTRATION C Notice to Transfer a State Fire Marshal Tax Overpayment

AUTHORITY: Implementing Section 412 of the Illinois Insurance Code [215 ILCS 5/412] and Section 13 of the Fire Investigation Act [425 ILCS 25/13] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 23 Ill. Reg. 302, effective December 21, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 2525.10 Purpose

This Part sets forth certain procedural requirements for the amendment of tax returns, clarifies the establishment and use of overpayments and refunds, and sets forth penalties pursuant to Section 412 of the Illinois Insurance Code [215 ILCS 5/412] for the failure to file a return, for late filings and for filing insufficient payments.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2525.20 Applicability

This Part applies to any company, Illinois Fair Plan or surplus line producer

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that has paid, or is required to pay, to the Director, taxes, fees or charges pursuant to Sections 408, 409, 444, and 444.1 and 445 of the Illinois Insurance Code [215 ILCS 5/408, 409, 444, and 444.1 and 445] and Section 12 of the Fire Investigation Act [425 ILCS 25/12].

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2525.40 Definitions

Except as stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in 50 Ill. Adm. Code 2500.40 and any of the Acts in Chapter 215 of the Illinois Compiled Statutes.

Taxpayer's estimated liability means either:

- The total tax paid during the previous calendar year, or
- 5% of the actual tax for the current calendar year.

Timely filing of a tax return means when a filing is made as calculated pursuant to 50 Ill. Adm. Code 2500.60 on or before the due date. For example, pursuant to 50 Ill. Adm. Code 2500.60(b)(1), the time of filing for documents mailed through the U.S. Mail is the date of the U.S. postmark, thus a timely tax return filing would be a tax return filing that has been U.S. postmarked on or before March 15.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2525.45 Calculation of the 6-Year Period Limitation

- a) The 6-year limitation period set forth in this Part and Section 412 of the Code [215 ILCS 5/412] shall be calculated by counting backwards 6 calendar years from the date of the discovery of the mistake of fact, error in calculation, or erroneous interpretation of a statute of this error in calculation, or erroneous interpretation of a statute of this or any other state. For purposes of this Section the "date of the discovery" of the mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state is the date when an amended tax return is filed with the Department pursuant to subsection (b) of this Section, or when a written detailed description as required in subsection (b) of this Section is filed with the Department concerning a fee or charge.
- b) A discovery of a mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state shall be reported by the filing of an amended tax return pursuant to Section 2525.70 of this Part. In case of a fee or charge a written detailed description of the fee calculation stating the differences between the Department's and company's calculation shall be filed with the

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Department. Such description shall be in writing and sent to the attention of the Tax and Fiscal Services Section, Illinois Department of Insurance, 320 West Washington Street, Springfield, Illinois 62767-0001.

- c) The mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state must have occurred within the 6-year calendar period regardless of whether it affects a final tax return that was filed within the 6-year calendar period. For example, if the date of discovery is January 1, 2000 the 6-year calendar period would include the 1993 final tax return filed on March 15, 1994, but would not include any of calendar year 1993 and therefore would not include any mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state that occurred in the 1993 calendar year.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 2525.50 Overpayments Concerning the Annual Privilege and Retaliatory Taxes

- a) If the requirements of this Part are met, overpayments will be recorded on the current balance of the privilege or retaliatory tax account maintained by the Department upon the filing of an annual privilege or retaliatory tax return showing overpayments, or pursuant to the filing of an amended privilege or retaliatory tax return in accordance with Section 2525.70 of this Part. All recorded overpayments are subject to subsequent auditing and adjustment by the Department pursuant to subsection (b) of this Section.

Overpayments can be created if the requirements of this Part are met by the following:

- 1) Upon the filing of an annual privilege or retaliatory tax return showing overpayments, the Department will make an adjustment to the current balance of the privilege or retaliatory tax account;
- 2) Pursuant to the filing of an amended privilege or retaliatory tax return in accordance with Section 2525.70 of this Part, the Department will issue an invoice adjustment showing the overpayment amount and will make an adjustment to the current balance of the privilege or retaliatory tax account; and
- 3) In connection with the Department conducting an audit in which the result is an overpayment, the Department will issue an invoice adjustment showing the overpayment amount and will make an adjustment to the current balance of the privilege or retaliatory tax account.

- b) Upon notice to the company, the Department shall adjust all overpayments recorded pursuant to this Section if upon verification and audit the recorded overpayment is incorrect and/or not the result

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of a mistake of fact, error in calculation, or an erroneous interpretation of a statute of this or any other state. The company may contest the Department's stated adjustment in writing which includes the following information:

- 1) The company's name and FEIN#;
 - 2) The company's reason(s) why the stated adjustment is incorrect; and
 - 3) A contact person for the company.
- c) If after the filing of a written response pursuant to subsection (b) of this Section the company and the Department can not resolve the matter, the company may request a hearing pursuant to Section 2525.110 of this Part for the purpose of determining the correct amount of the adjustment.
- d) In addition to subsection (a) of this Section an overpayment will be recorded on the current balance of the privilege or retaliatory tax account maintained by the Department as a result of an audit by the Department which indicates that there has been an overpayment.

- e) All overpayments recorded created pursuant to subsection (a) of this Section must result from the following:

- 1) A mistake of fact including, but not limited to:
 - A) Applying a previous year's corporate and/or replacement income tax overpayment in the current year's tax return; and
 - B) Using premium written in the state of incorporation to determine the state of incorporation's basis for retaliatory tax purposes; or
- 2) An error in calculation including, but not limited to:
 - A) An incorrect decimal assignment; and
 - B) An erroneous sum, result or total arising out of a mathematical function, operation or equation; or
- 3) An erroneous interpretation of a statute of this or any other state, including, but not limited to:
 - A) A misapplication of a statute;
 - B) A misunderstanding of an equivocal term or phrase used in a statute.

- 4) However, an erroneous interpretation of a statute of this or any other state does not include a finding of unconstitutionality of the statute in question. Additionally, a mistake in fact shall not include the assertion that a statute is unconstitutional on its face.

- c) Upon notice to the company, the Department reserves the right to adjust all overpayments created pursuant to this Section if upon verification and audit the stated overpayment is incorrect and/or not the result of a mistake of fact, error in calculation, or an erroneous interpretation of a statute of this or any other state. The company may request a hearing pursuant to Section 2525.110 of this Part for the purpose of determining the correct amount of the adjustment.

- d) Overpayment pursuant to this Section will automatically be used to offset future retaliatory or privilege tax liabilities.

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Alternatively, cash refunds can be received pursuant to Section 2525.80 of this Part or the overpayment may be transferred pursuant to Section 2525.90 of this Part upon written notification to the Department as set forth in those Sections. However, the transferred overpayment may only be used to offset future retaliatory and privilege taxes.

~~Overpayments pursuant to this Section can only be used to offset future retaliatory or privilege tax and can be transferred pursuant to Section 2525.90 of this Part. However, the transferred overpayment may only be used to offset future retaliatory and privilege taxes. Alternatively, a cash refund of the overpayment may be considered by the Director pursuant to a request as set forth in Section 2525.90 of this Part.~~

(e) Upon written notice to the company at its last known address any overpayment that has not been used and has not been transferred will be removed from the Department's records after 7 years and be considered unclaimed monies under the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025].

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2525.60 Overpayments for All Other Fees, Charges or Taxes

Upon a written request, to the attention of the Tax and Fiscal Section of the Department, which includes information supporting the request to change the amount assessed by the Department's invoice and a copy of the Department's invoice, or upon an amended return filed pursuant to Section 2525.70 of this Part, or as a result of an audit, if it appears to the satisfaction of the Director that there has been an overpayment of the amount legally chargeable pursuant to Sections 408 and 445 of the Code [215 ILCS 5/408 and 445] or Section 12 of the Fire Investigation Act [425 ILCS 25/12], the Department may ~~will~~ issue a letter of credit for such overpayment. Any written request or amended return must be based on a mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state, during the 6-year period immediately preceding the discovery of such overpayment as determined by Section 2525.45 of this Part [245 ILCS 5/412]. For purposes of this Section:

- a) A mistake of fact includes, but is not limited to:
 - 1) Applying a percentage different than that provided in 50 Ill. Adm. Code 2520.111 Illustration A in calculating the Illinois Fire Marshal Tax ~~previous year's corporate and/or replacement income tax overpayment in the current year's tax return~~; and
 - 2) Using the unitary allocation for the financial regulation fee; or
- ~~premium written in the state of incorporation to determine the state of incorporation is basis for retaliatory tax purposes; or~~
- b) An error in calculation includes, but is not limited to:
 - 1) An incorrect decimal assignment; and

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- 2) An erroneous sum, result or total arising out of a mathematical function, operation or equation; or
- c) An erroneous interpretation of a statute of this or any other state, including, but not limited to:
 - 1) A misapplication of a statute;
 - 2) A misunderstanding of an equivocal term or phrase used in a statute.

d) However, an erroneous interpretation of a statute of this or any other state does not include a finding of unconstitutionality of the statute in question. Additionally, a mistake in fact shall not include the assertion that a statute is unconstitutional on its face.

e) Overpayments pursuant to this Section may only be used to offset the same type of tax, charge or fee in which the overpayment was made and may be transferred pursuant to Section 2525.90 of this Part. However, the transferred overpayment may only be used to offset the same type of tax, charge or fee in which the overpayment was made. Alternatively, a cash refund of the overpayment may be considered by the Director pursuant to a written request as set forth in Section 2525.85 2525.80 of this Part.

f) Overpayments pursuant to this Section for which the underlying tax, fee or charge has been prospectively repealed may be used to offset any tax owed pursuant to Section 409 of the Code [215 ILCS 5/409] and may be transferred after 7 years pursuant to Section 2525.90 of this Part. Transferred overpayments in which the underlying tax has been prospectively repealed may be used to offset any tax owed pursuant to Section 409 of the Code [215 ILCS 5/409].

g) Upon written notice to the company, at its last known address, any overpayment that is not used and is not transferred will be removed from the Department's records after 7 years and be considered unclaimed monies under the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025].

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2525.70 Amended Returns

Any company, Illinois Fair Plan, or surplus line producer may file an amended return with the Department. An amended return shall be made by filing a copy of the original return which shows the amendments and includes explanations for those amendments. ~~A copy of the original return shall be included with the amended return.~~ Amended returns will only be allowed if it appears to the satisfaction of the Director that because of some mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other state, anyone has paid in excess of the amount legally chargeable against it during the 6-year period immediately preceding the discovery of such overpayment as determined pursuant to Section 2525.45 of this Part [245 ILCS 5/412]. Adjustments (e.g., cash refunds or additional cash payments, of prior

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income or fire department taxes paid) shall be accounted for in the year paid or when issued a cash refund of the adjustment and shall not be the basis for amending a previous privilege or retaliatory tax return. Furthermore, any overpayment adjustment requested for the amount of fire department taxes or aggregate income taxes paid may not exceed the amount of privilege or retaliatory tax owed in the year the aggregate income tax or fire department tax was paid and for which the overpayment adjustment is now being sought.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2525-80 Cash Refund of Taxes Assessed Pursuant to Sections 409, 444 and 444.1 of the Code Overpayment

a) The Director shall provide a cash refund within 120 days after receipt of the written request, if all necessary information has been filed with the Department in order for it to perform an audit of the annual return for the year in which the overpayment occurred, or within 120 days from the date the Department receives all the necessary information to perform such audit unless one of the following conditions apply:

- 1) The amount of the requested cash refund can be fully offset against the taxpayer's estimated liability for the current year;
- 2) The amount of the requested cash refund is less than \$100; or
- 3) If there is insufficient funds in the Insurance Premium Tax Refund Fund to provide the requested cash refund.

b) The written request for a cash refund must include the following information in addition to any other appropriate supporting documentation:

- 1) The company's name, including the company's Federal Employee Identification Number (FEIN);
- 2) The cash refund amount being requested;
- 3) A statement of reasons why the overpayment was generated as set forth in Section 2525-50 of this Part; and
- 4) A certification of an officer of the company that the provided information in the written request is true and accurate to the best of his/her knowledge.

c) In addition to subsection (a) of this Section, a cash refund may be available if the overpayment was part of a protested payment pursuant to the State Officers and Employees Disposition Act [30 ICS 240], and is allowed by the court having jurisdiction of the protest action.

d) In the event that there are insufficient funds, no payment will be made until sufficient funds are available and during the period that there are insufficient funds the requested refund will be applied towards any existing/new privilege or retaliatory tax liabilities, and, when sufficient funds are available, payment will only be made if none of the conditions of subsection (a) of this Section apply to the remaining requested amount.

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the Department without the claimant obtaining a budget appropriation for the Department equal to the amount of the alleged overpayment cannot provide a cash refund for an overpayment pursuant to Section 412 of the Code [215-1165 5/412] and Section 2525-50 of this Part unless the overpayment was part of a protested payment pursuant to the State Officers and Employees Disposition Act [30 ICS 240] through 239/561. A cash refund of an overpayment pursuant to Section 2525-60 of this Part may be possible if there is a budget appropriation already established for the Department by which overpayments may be refunded. Alternatively, relief may be possible through transferring the overpayment pursuant to Section 2525-90 of this Part.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2525-85 Cash Refund of Other Fees, Taxes and Charges

a) Upon a written request, a cash refund of an overpayment pursuant to Section 2525-60 of this Part may be possible if there is a budget appropriation already established for the Department by which overpayments may be refunded. Alternatively, relief may be possible through transferring the overpayment pursuant to Section 2525-90 of this Part.

b) The written request for a cash refund must include the information as set forth in Section 2525-80(b) of this Part.

c) In addition to subsection (a) of this Section a cash refund may be available if the overpayment was part of a protested payment pursuant to the State Officers and Employees Disposition Act [30 ICS 240], and is allowed by the court having jurisdiction of the protest action.

d) In the event that there are insufficient funds, no payment will be made until sufficient funds are available and during the period that there are insufficient funds the requested refund will be applied towards any existing/new liabilities of the same type from which the overpayment resulted.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 2525-90 Transfer of Overpayments

An overpayment allowable pursuant to Sections 2525-50 and 2525-60 of this Part may be transferred in whole or in part to another company upon written approval of the Director. Such approval may be an adjustment invoice, letter of credit or a signed Notice of Transfer of Overpayment form. The company, surplus line producer or Illinois Fair Plan that made the payment creating the overpayment of privilege or retaliatory tax, surplus line tax or State Fire Marshal tax pursuant to this Part must file with the Department a written "Notice of Transfer of Overpayment" as set forth in Illustrations Attachment A, B or C of this Part. Otherwise the company, surplus line producer or Illinois Fair

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Plan shall provide a written notice to transfer that the Notice of Transfer--of Overpayment shall include the following information:

- a) The company's name that is transferring the overpayment, including that company's Federal Employer Identification Number (FEIN);
- b) The amount of the overpayment being transferred;
- c) The name of the company and the company's Federal Employee Identification Number (FEIN) to which the transfer is being made;
- d) A copy of a letter of credit(s) or invoice(s) issued, if any, pursuant to Section 2-255.50 or 2-255.60 of this Part for the overpayment which is being transferred;
- e) The monetary amount, if any, exchanged between the entities; and
- f) A certification of an officer of the company that the provided information in the Notice of Transfer of Overpayment is true and accurate to the best of their knowledge.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 2525. ILLUSTRATION A Notice to Transfer a Privilege or Retaliatory Tax Overpayment of Overpayment

NOTICE TO TRANSFER A PRIVILEGE OR RETALIATORY TAX OVERPAYMENT

Federal Employer Identification Number (FEIN) _____ Company Transferring Overpayment _____

By the _____ Insurance Company
Name of Company Transferring Overpayment _____

Street and Number _____ City _____ State _____ Zip Code _____

The overpayment amount being transferred \$ _____ to _____

Name of Company Receiving the Overpayment _____

Federal Employer Identification Number (FEIN) _____ Company Receiving the Overpayment _____

The monetary amount exchanged for the overpayments transferred \$ _____

I, _____, do hereby certify that, to the best of my
[print]
knowledge, the matters asserted in this Notice of Transfer are true and correct.

Date: _____
Signature of an Officer of the Company Transferring the Overpayment _____

I, _____, do hereby certify that, to the best of
my
[print]
knowledge, the matters asserted in this Notice of Transfer are true and correct.

Date: _____
Signature of an Officer of the Company Receiving the Overpayment _____

Internal Department Use Only

Date Transfer was completed _____

**NOTICE OF TRANSFER
OF OVERPAYMENT**

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Federal Employer Identification Number (FEIN) -----

Company Transferring Overpayment -----

By the ----- Insurance Company

Name of Company Transferring Overpayment -----

Street and Number ----- City ----- State ----- Zip Code -----

The overpayment amount being transferred -----

Name of Company Receiving the Overpayment -----

Federal Employer Identification Number (FEIN) -----

Company Receiving the Overpayment -----

The monetary amount exchanged for the overpayments transferred -----

I, -----, do hereby certify that, to the best of my knowledge, the matters asserted in this Notice of Transfer are true and correct.

Signature of -----, an Officer of the Company Transferring the Overpayment -----

I, -----, do hereby certify that, to the best of my knowledge, the matters asserted in this Notice of Transfer are true and correct.

Signature of -----, an Officer of the Company Receiving the Overpayment -----

Do not forget to attach a copy of the letter of credit(s) or invoice(s) if issued pursuant to 50 Ill. Adm. Code 2525.50 and 2525.60 for the overpayment which is being transferred.

Internal Department Use Only

Date Transfer was completed -----

(Source: Amended at 24 Ill. Reg. -----, effective -----)

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Section 2525. ILLUSTRATION B Notice to Transfer a Surplus Lines Tax Overpayment

NOTICE TO TRANSFER A

SURPLUS LINES TAX OVERPAYMENT

Social Security Number (SS) -----

Producer Transferring Overpayment -----

By the -----

Name of Producer Transferring Overpayment -----

Street and Number ----- City ----- State ----- Zip Code -----

The overpayment amount being transferred \$ ----- to -----

Name of Producer Receiving the Overpayment -----

Social Security Number (SS) -----

Producer Receiving the Overpayment -----

The monetary amount exchanged for the overpayments transferred \$ -----

I, -----, do hereby certify that, to the best of my knowledge, the matters asserted in this Notice of Transfer are true and correct.

Signature of Surplus Line Producer Transferring the Overpayment ----- Date: -----

I, -----, do hereby certify that, to the best of my knowledge, the matters asserted in this Notice of Transfer are true and correct.

Signature of Surplus Line Producer Receiving the Overpayment ----- Date: -----

Internal Department Use Only

Date Transfer was completed -----

(Source: Added at 24 Ill. Reg. -----, effective -----)

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Section 2525, ILLUSTRATION C Notice to Transfer a State Fire Marshal Tax Overpayment

NOTICE TO TRANSFER A STATE FIRE
MARSHAL TAX OVERPAYMENT

Federal Employer Identification Number (FEIN)
Company Transferring Overpayment
By the Insurance Company
Name of Company Transferring Overpayment

Street and Number City State Zip Code
The overpayment amount being transferred \$ to

Name of Company Receiving the Overpayment
Federal Employer Identification Number (FEIN)
Company Receiving the Overpayment

The monetary amount exchanged for the overpayments transferred \$
I, _____, do hereby certify that, to the best of my
(print)
knowledge, the matters asserted in this Notice of Transfer are true
and correct.

Signature of an Officer of the Company Transferring the Overpayment
Date:
I, _____, do hereby certify that, to the best of my
(print)
knowledge, the matters asserted in this Notice of Transfer are true
and correct.

Signature of an Officer of the Company Receiving the Overpayment
Date:
Internal Department Use Only

Date Transfer was completed
(Source: Added at 24 Ill. Reg. _____, effective
_____)

DEPARTMENT OF NATURAL RESOURCES
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- Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow
- Code Citation: 17 Ill. Adm. Code 670
- Section Numbers: 670.60
Proposed Action: Amendments
- Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.39, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.39, 3.5 and 3.36].
- A Complete Description of the Subjects and Issues Involved: Amendments to this Part open and close State-owned or -managed sites.
- Will this rulemaking replace any emergency rule currently in effect? No
- Does this rulemaking contain an automatic repeal date? No
- Do these proposed amendments contain incorporations by reference? No
- Are there any other proposed amendments pending on this Part? No
- Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:
- Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809
- Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

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- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 670

WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

- 670.10 Statewide Open Seasons and Counties
670.20 Statewide Deer Permit Requirements
670.21 Deer Permit Requirements - Landowner/Tenant Permits
670.30 Statewide Legal Bow and Arrow
670.40 Statewide Deer Hunting Rules
670.50 Rejection of Application/Revocation of Permits
670.55 Reporting Harvest
670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10643; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15381, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more

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- restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1).
- c) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- d) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- g) Statewide regulations shall apply at the following sites:

Argyle Lake State Recreation Area (2)

- * Anderson Lake Fish and Wildlife Area (2)

Apple River Canyon State Park (2)

- * Banner Marsh Fish and Wildlife Area (2)

Beall Woods State Park (antlerless deer only; hunting hours legal opening until 10:00 a.m.; check out by 11:00 a.m.) (1) (2)

- * Big Bend State Fish and Wildlife Area (1) (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area is closed seven days prior to and during the regular waterfowl season)

Castle Rock State Park (1) (2)

Crawford County Conservation Area (1) (2)

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Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Dixon Springs State Park (1) (2)

Dog Island Wildlife Management Area (1) (2)

- * Eldon Hazlet State Park (north of Allen Branch and west of Peperhorse Branch only) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (1) (2)

Fort Massac State Park (1) (2)

- * Franklin Creek State Park (2)

Giant City State Park (1) (2)

- * Goose Lake Prairie State Park (tree stands not allowed; "Texas" type tripod stands allowed; antlerless deer only) (2) (3)

Green River State Wildlife Area (1) (2)

Heidecke State Fish and Wildlife Area (2) (3) (5)

Horseshoe Lake Conservation Area - Alexander County (Controlled Goose Hunting Area - open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

I-24 Wildlife Management Area (1) (2)

- * Jubilee College State Park (2) (4)

Kaskaskia River Fish and Wildlife Area (1) (2) (except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Lowden-Willer State Forest (1) (2) (4)

Mackinaw River Fish and Wildlife Area (1) (2)

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Marcellus Wildlife Area (closed Friday, Saturday, and Sunday in October) (1) (2)

Marshall Fish and Wildlife Area (2)

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

* Mt. Vernon Propagation Center (1) (2)

Oakford Conservation Area

Panther Creek Conservation Area (1) (2) (4)

* Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1) (2)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (2)

Pyramid State Park (1) (2)

* Randolph County Conservation Area (1) (2)

Ray Norbut Conservation Area (2)

* Red Hills State Park (1) (2)

Rend Lake State Fish and Wildlife Area (1)

Rice Lake Fish and Wildlife Area (2)

Saline County Fish and Wildlife Area (1) (2)

* Sam Parr State Park (1) (2)

Sangamon County Conservation Area

Sanganois State Wildlife Area (1)

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* Shabbona Lake State Park (2)

Siloam Springs State Park (1) (2) (4)

* Silver Springs State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Controlled Goose Hunting Area - open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing) (1) (2)

Walnut Point Fish and Wildlife Area (1)

* Washington County Conservation Area (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens October 15) (2)

b) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park

Burris Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)

Horseshoe Lake State Park (Madison County) (hunting in designated areas only; hunting will close at end of regular duck season) (1) (2)

Momence Wetland

Pere Marquette State Park (hunting in designated camp areas only; season begins the first weekday after camps close)

Rend Lake State Fish and Wildlife Area (designated area on refuge

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only, designated dates between October 1-October 31, 1996)

Shara Woods (1) (2)

Union County Conservation Area

1) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (1)

Coffeen Lake State Fish and Wildlife Area

Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)

Des Plaines Game Propagation Center (2)

* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions) (4)

East Conant Field (1) (4)

Fox Ridge State Park (1)

Hamilton County Conservation Area (1)

Harry "Babe" Woodyard State Natural Area (1) (4)

Hidden Springs State Forest (1)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily.

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Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the day after the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 to December 24))

Kickapoo State Park (1)

Mauino State Fish and Wildlife Area (1)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (1)

* Mississippi Palisades State Park (November 1 through December 31) (closed during the first firearm deer season) (1)

Newton Lake Fish and Wildlife Area (check deer at site office)

* Pekin Lake Fish and Wildlife Area (1)

Ramsey Lake State Park (1)

Sam Dale Lake Conservation Area (1)

Sand Ridge State Forest (1)

* Sangchris Lake State Park (an antlerless deer must be taken before an antlered deer is harvested) (1) (5)

Sato Field (1) (4)

Shelbyville Wildlife Management Area (1)

Site-W-117-147

Snake Den Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)

* Spring Lake Fish and Wildlife Area (1)

Stephen A. Forbes State Park (1)

Ten Mile Creek Fish and Wildlife Area (areas designated as Refuge are closed to all access during Canada goose season only) (1); Belle River Unit only (4)

Volo Bog State Natural Area (hunting only from November 1 through December 31; Monday through Wednesday only; except State

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holidays) (2)

- j) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season)

Iroquois County Conservation Area (2)

Johnson Sauk Trail State Park

Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site) (1) (2)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Firearms

- 2) Code Citation: 17 Ill. Adm. Code 650

- 3) Section Numbers:
 550.20 Proposed Action:
 550.21 Amendments
 550.22 Amendments
 550.60 Amendments
 550.65 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part modify the process for applying for paid landowner firearm deer permits, make it illegal to drive deer on Department controlled properties, require the Social Security Number of the applicant on firearm deer applications, allow only Illinois residents to apply for and receive paid landowner deer permits, and open and close State-owned or -managed sites.

- 6) Will this rulemaking replace any emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield IL 62701-1787
 217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for

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profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

- 650.20 Statewide Deer Permit Requirements
650.21 Deer Permit Requirements - Landowner/Tenant Permits
650.22 Deer Permit Requirements - Special Hunts
650.23 Deer Permit Requirements - Group Hunt
650.30 Statewide Firearms Requirements
650.40 Statewide Deer Hunting Rules
650.50 Rejection of Application/Revocation of Permits
650.60 Regulations at Various Department-Owned or -Managed Sites
650.65 Youth Hunt
650.67 Special Hunts for Disabled Hunters
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1-3, 1-4, 1-13, 2-24, 2-25, 2-26 and 3.36 of the Wildlife Code [520 ILCS 5/1-3, 1-4, 1-13, 2-24, 2-25, 2-26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 36213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16865, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. _____, effective _____.

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Section 650.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15). Deer permit fees for non-resident firearm deer hunters shall be \$100 for each either-sex firearm permit and \$25 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. Any such counties will be identified prior to the Random Daily Drawing Period which begins in September, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227

- b) Applications from Illinois residents for participation in the First Lottery Drawing will be accepted through the last weekday in April of the current year--~~except that for 1999 the deadline will be May 12~~. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April for ~~May 17-1999 if applicable~~ will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either sex, and one antlerless-only permit shall be issued per person. Applicants for free or--~~paid~~ landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits.
- c) Applicants must complete all portions of the current year permit application form. Applicants must provide their Social Security Number on the application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the deadline established in subsection (b).
- d) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.
- e) Applicants must check the antlerless-only box and enclose an additional \$15 (\$25 for non-residents) to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

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- f) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm or muzzleloader permits for the current hunting season. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15 for residents and \$25 for nonresidents. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- g) No more than 6 single applications per envelope will be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- h) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November, during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Full-season antlerless-only permits shall only be issued to successful applicants that have full-season either-sex permits in the county applied for. Second-season antlerless-only permits shall be issued to successful applicants that have either full-season or second-season either-sex permits in the county applied for. Applicants submitting applications within the 20 working days prior to the start of the first season cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "September Drawing - Multiple Permits" on the outside of the envelope and mark the "September Drawing - Multiple Permits" box on the firearm deer permit application.
- i) Hunter preference in obtaining a permit during the First Lottery Drawing will be given to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected

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because the quota was depleted in their county choice(s) or to applicants that received, in the previous year, a second season either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:

- 1) The applicant must apply using the official Department application.
- 2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
- 3) The applicant must apply for the same county choice(s) which he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- 4) Applications may be accepted at the counter window of the permit office; however, permits will be mailed. In-person and mail-in applications will receive equal treatment in the drawings.
- 5) Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- 6) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
- 7) The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits

- a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children, or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- c) Resident and nonresident-illinois-landowners-who-own-40-acres-or-more

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of-land-and-resident-tenants-leasing-or-renting-40-acres-or-more-of commercial-agricultural-lands-may-apply-for-a-county-wide-paid landowner-either-sex-permit-to-hunt-in-the-county-where-the-land-is located.-----Members-of-the-immediate-family-of-the-landowner-or-tenant-are-also-eligible-to-apply-for-a-county-wide-paid-landowner-firearm-deer-permit.-----Incomplete-applications-will-be-retained.-----The-fee-for-a-county-wide-either-sex-paid-landowner-deer-permit-shall-be-\$15-for residents-and-\$100-for-nonresidents.-----These-applications-will-not-be subject-to-the-public-lottery-process.

c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be \$50 for the either-sex permit and \$25 for the antlerless-only permit. These applications will not be subject to the public lottery process. This deer hunting permit shall be valid on all farmlands which the person to whom it is issued owns, leases or rents (325 ILCS 5/2.26) in counties open for firearm deer hunting.

d) Nonresident Illinois landowners or tenants who do not wish to hunt only on the land they own, rent, or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant. However, resident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural land, who apply during the First Lottery application period for a permit to hunt in the county in which they own or lease land and are rejected because the county quota is full, may apply for a county-wide paid landowner firearm deer permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid landowner firearm deer permit if they were rejected in the First Lottery. Applications for county-wide paid landowner deer permits will be accepted from August 1 through the last working day in August. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be the same as for permits for hunters and their immediate families, or tenants. Landowners and tenants, and their immediate families, who did not apply for permits in the First Lottery and subsequently fail to receive them, are not eligible to apply for or receive county-wide paid landowner deer permits.

e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced. Applications-for-county-wide

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Paid-permittees must be submitted by the last weekday in April, except that for 1999, the deadline will be May 17.

f) Landowners and resident tenants are not required to participate in the public drawing for permits in order to apply for and receive a property-only permit.

g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

- 1) Submittal of a copy of property deed;
- 2) Submittal of a copy of contract for deed;
- 3) Submittal of a copy of the most recent real estate tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
- 4) Submittal of a copy of a Farm Service Agency 156E2 form; or
- 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- 2) A copy of a Farm Service Agency 156E2 form.

i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.

j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.

k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-served basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

l) Shareholders of corporations owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application

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upon submittal to the Permit Office. The shareholder either-sex permit shall be free to resident shareholders, and the cost to nonresident shareholders shall be \$50.00. An antlerless-only shareholder permit (free to resident shareholders; \$25 to nonresident shareholders) will be made available if in the best interest of managing the deer herd.

m) Landowners or tenants that apply for or receive property-only landowner/tenant firearm deer permits **landowner/tenant firearm deer permits** may not apply for additional permits in the first or second Lottery Drawing. Landowners or tenants that apply for county-wide paid landowner firearm deer permits must have been rejected in the First Lottery drawing for a permit in the county in which they own or lease land, and they may not apply for additional permits in the Second Lottery Drawing.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.22 Deer Permit Requirements - Special Hunts

a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 650.60(1)(f). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.

- 1) A.E.S.#1669 Duck Creek (Pulton County, first season only).
- 2) A.E.S.#1669 Duck Creek Handicapped (Pulton County, first season only)
- 3) Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)
- 4) Crab Orchard National Wildlife Refuge - Disabled Hunt (first season only)
- 5) Joliet Army Training Area (Will County)
- 6) Lake Shelbyville Project Lands (Moultrie County)
- 7) Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County)
- 8) Midwestern National Tallgrass Prairie (permits may be issued as antlerless-only without normal bonus requirements) (4)

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- 9) Savanna Army Depot (Jo Daviess County)
 10) Touch of Nature - Southern Illinois University - disabled hunt (Jackson County, second season only)
 b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650-60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
 b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
 c) ~~b~~ Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in this Section that are followed by a (1).
 d) ~~c~~ Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
 e) ~~d~~ Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).
 f) ~~e~~ Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).
 g) ~~f~~ Youth hunters must be accompanied by a parent or legal guardian while hunting at those sites listed in this Section followed by a (6). Also, the parent or guardian may hunt if he or she has a valid firearm deer permit for the county in which the specific site is located.
 h) ~~g~~ Statewide regulations shall apply at the following sites:

~~Burns-Habitat-Area-(quota-filled-by-drawing-from-hunters-with-Fox-Ridge-State-Park-firearm-permits)~~

Cache River State Natural Area (1) (2)

Campbell Pond (1) (2)

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- Carlyle Lake Lands and Waters (Corps of Engineers managed lands)
 Carlyle Lake Wildlife Management Area (except subinboundment area)
 Chauncey Marsh (1) (2)
 Crawford County Conservation Area (1) (2)
 Cypress Creek National Wildlife Refuge
 Cypress Pond State Natural Area (1) (2)
 Dog Island Wildlife Management Area (1) (2)
 Ferne Clyffe State Park (1) (2)
 Fort de Chartres State Historic Site (muzzleloading rifles only) (1) (2)
 Giant City State Park (1) (2)
 Hamilton County Conservation Area (1) (2)
 Horseshoe Lake Conservation Area - Alexander County (all portions of the Hunting Area except the Controlled Goose Hunting Area) (1) (2)
 I-24 Wildlife Management Area (1) (2)
 Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed during duck season) (2, except south of Highway 154 and north of Highway 13)
 Kinkaid Lake Fish and Wildlife Area (1) (2)
 Mernett Lake Conservation Area (1) (2)
 Mississippi Fish and Waterfowl Management Area - Pools 25 and 26
 Mississippi River Pool 16 (1)
 Mississippi River Pools 17, 18 (1)
 Mississippi River Pools 21, 22, 24 (1)
 Newton Lake Fish and Wildlife Area (2)

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Oakford Conservation Area (1)
 Pere Marquette State Park (hunting in designated areas only) (2)
 Rend Lake State Fish and Wildlife Area
 Saline County Fish and Wildlife Area (1) (2)
 Sangamon County Conservation Area
 Sangamon State Wildlife Area (1)
 Ten Mile Creek Fish and Wildlife Area (1); Belle River Unit only (3)
 Trail of Tears State Forest (1) (2)
 Turkey Bluffs Fish and Wildlife Area (1) (2)
 Union County Conservation Area (Firing Line Unit only) (1) (2)
 Weinberg-King State Park (2)
 Wildcat Hollow State Forest (1)

1) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

Apple River Canyon State Park - Thompson and Salem Units (first or second season only) (2)

Argyle Lake Recreation Area (5)

Be all Woods State Park (first or second season only; antlerless deer only) (1) (2) (5)

Big River State Forest (5)

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NOTICE OF PROPOSED AMENDMENTS

Castle Rock State Park (first or second season only) (antlerless only) (1) (2) (5)
 Coffeen Lake State Fish and Wildlife Area (first-season-only)
 Coffeen-Lake State Fish and Wildlife Area (second-season-only)
 Des Plaines Conservation Area (first season only) (2) (5)
 East Conant Field (1) (3)
 Fort Massac State Park (second season only) (antlerless deer only) (2)
 Fox Ridge State Park
 Goose Lake Prairie State Park (tree season not allowed; first or second season only; antlerless deer only; "Texas" style tripod stands allowed) (2) (5)
 Green River State Wildlife Area (first or second season only) (1) (2) (5)
 Harry "Babe" Woodyard State Natural Area (2) (3)
 Heidecke State Fish and Wildlife Area (first or second season only) (2) (4) (5)
 Hidden Springs State Forest
 Horseshoe Lake Conservation Area - Alexander County (Refuge, last Saturday in October; antlerless only) (5)
 Hurricane Creek Habitat Area
 Iroquois County Conservation Area/Hooper Branch (first season only) (2) (5)
 Iroquois County Conservation Area - Hooper Branch only (second season only) (2) (5)
 Jim Edgar Panther Creek State Fish and Wildlife Area (1) (2) (3)
 Kickapoo State Park (2)
 Lowden-Miller State Forest (first season only) (1) (2) (3) (5)
 Lowden-Miller State Forest (second season only) (1) (2) (3) (5)

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Mackinaw River Fish and Wildlife Area (1) (2) (5)

Marcellus Wildlife Area (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2)

Mississippi Palisades State Park (first season only)

Momonc Wetlands

Morrison Rockwood State Park (first season only) (5)

Panther Creek Conservation Area (1) (2) (3)

Pyramid State Park (1) (2)

Ray Norbut Conservation Area (2) (5)

Sahara Woods (1) (2)

Sand Ridge State Forest (1) (2)

Sato Field (1) (3)

Siloam Springs State Park (2) (3)

Site M (1)-(2)-(3)

Tapley Woods State Natural Area (first or second season only) (2)

Union-County-Conservation-Area-(Refuge-only;--last--Saturday--in October)

Witkowsky Wildlife Area (first or second season only) (2)

Wolf Creek State Park (disabled hunters are exempt from site's antler restrictions) (3)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.65 Youth Hunt

Statewide regulations shall apply except as noted in parentheses at the following sites by special permit allocated through the regular statewide drawing. Shooting is allowed from elevated tree stands only except as noted in

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parentheses. Applicants must be between the ages of 10-15.

Crab Orchard National Wildlife Refuge (first season only) (1) (2)

Dixon Springs State Park (1) (2) (6)

Fort Massac State Park (first season only) (1) (2) (6)

Lake Le Aqua Na State Park (hunting from Department established ground blinds only; first season only; participants other than youth hunters may only take antlerless deer) (1) (2) (6)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Muzzleloading Rifles

- 2) Code Citation: 17 Ill. Adm. Code 660

- 3) Section Numbers:
660.20
660.60
- Proposed Action:
Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to require the applicant's Social Security Number on firearm deer applications and open and close State-owned or -managed sites.

- 6) Will this rulemaking replace any emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: There is no effect on small businesses, small municipalities and not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:
None

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- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 660

WHITE-TAILED DEER HUNTING BY USE
OF MUZZLELOADING RIFLES

Section

- 660.10 Statewide Season and Permit Quotas
- 660.20 Statewide Deer Permit Requirements
- 660.21 Deer Permit Requirements - Free Landowner/Tenant Permits
- 660.22 Deer Permit Requirements - Special Hunts
- 660.25 Deer Permit Requirements - Group Hunt
- 660.30 Statewide Muzzleloading Rifle Requirements
- 660.40 Statewide Deer Hunting Rules
- 660.45 Reporting Harvest
- 660.50 Rejection of Application/Revocation of Permits
- 660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15). Muzzleloading rifle deer permit fees for non-residents shall be \$100 for each either-sex muzzleloading permit and \$25 for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. Any such counties will be identified prior to the Random Daily Drawing Period which begins in September, and a limited number of antlerless-only permits

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NOTICE OF PROPOSED AMENDMENTS

will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Muzzleloading Rifle)
Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, IL 62794-9227

- b) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants must complete all portions of the current year permit application form. Applicants must provide their Social Security Number on the application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the last weekday in April of the current year.
- c) Applicants must check the antlerless-only box and enclose an additional \$15 to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- d) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm or muzzleloader permits for the current hunting season. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- f) No more than 6 single applications per envelope shall be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid

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landowner/tenant permits.

- g) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits in the county applied for. Applicants must print "September Drawing - Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September Drawing - Multiple Permits" box on the muzzleloading rifle deer permit application.
- h) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choice(s). The following criteria must be met to obtain a preference in the muzzleloading rifle First Lottery Drawing:

- 1) The applicant must apply using the official agency preprinted data-mailer application.
- 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
- 3) The applicant must apply for the same county choice(s) which he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- 4) Where applicants apply as a group, preference for the entire county shall apply as it does above for the individual. All county choices for the group must be identical.
- i) Applications shall be accepted at the counter window of the permit officer; however, permits shall be mailed. In-person and mail-in applications will receive equal treatment in the drawings. Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- k) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) The period for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in this Section that are followed by a (1).
- c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:
- Cache River State Natural Area (1) (2)
 - Campbell Pond Fish and Wildlife Area (1) (2)
 - Carlyle Lake Wildlife Management Area except subimpoundment areas
 - Carlyle Lake Lands and Waters - Corps of Engineers managed lands
 - Chauncey Marsh (1) (2)
 - Crawford County Fish and Wildlife Area (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres Historic Site (1) (2)

Giant City State Park (1) (2)

Hamilton County Fish and Wildlife Area (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area is closed during duck season) (2, except south of Highway 154 and north of Highway 13)

Kickapoo State Park (closed during second firearm deer season) (1) (2)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2) (4)

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Pere Marquette State Park (hunting in designated area only) (2)

Pyramid State Park (1) (2)

Ray Norbut Conservation Area (2)

Rend Lake Fish and Wildlife Area (1)

Saline County Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (1) (2)

Sanganois Fish and Wildlife Area (1)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

1) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest.

Castle Rock State Park (closed during second firearm season; antlerless deer only) (2) (6)

East Conant Field (1) (4)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

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Marseilles Fish and Wildlife Area (closed during second firearm and deer season) (2) (6)

Midwin National Tallgrass Prairie (not allowed during the second firearm deer season) (5) (6)

Sahara Woods (1) (2)

Sato Field (1) (4)

Tapley Woods State Natural Area (closed during the second firearm deer season)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Professional Boxing and Wrestling Act

2) Code Citation: 68 Ill. Adm. Code 1370

3) Section Numbers:
1370.305
New Section

4) Statutory Authority: Professional Boxing and Wrestling Act [225 ILCS 105]

5) A Complete Description of the Subjects and Issues Involved: PA 91-408 made numerous revisions in the Professional Boxing and Wrestling Act, clearly delineating who must be licensed or registered by the Department, including contestants, seconds, timekeepers, managers, matchmakers, judges, and referees. It also replaced the Act's statutory fees with fees set by administrative rule. This rulemaking establishes those fees.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation

Jean A. Courtney

320 West Washington, 3rd Floor

Springfield, IL 62786

217/785-0813

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed boxing and wrestling promoters.

B) Reporting, bookkeeping or other procedures required for compliance:
None

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the proposed Amendments is identical to the text of the Emergency Amendments which appear in this issue of the *Illinois Register* on page 476.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Visa Waiver Program for International Medical Graduates

2) Code Citation: 77 Ill. Adm. Code 591

3) Section Numbers: 591.20
Amend
591.100

4) Statutory Authority: Immigration and Nationality Act (8 USC 1182 and 1184) and Exchange Visitor Program [22 CFR 514]

5) A Complete Description of the Subjects and Issues Involved: The Part implements federal law authorizing a Visa waiver for international medical graduates that contract to work in an Illinois Health Professional Shortage Area. The rulemaking adds a definition of "urban" to aid in the application of the Part's provisions that include only urban areas and to differentiate from the Part's provisions that apply to the already-defined "rural areas." The definition of "full-time practice" is changed for consistency with the federal Immigration and Nationality Act. The rulemaking also clarifies for urban medical facilities applying to participate in the program the requirement that the facility be located in a Health Professional Shortage Area.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking within 45 days after the publication of this issue of the *Illinois Register* to the attention of:

Paul Thompson, Staff Attorney
Illinois Department of Public Health
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS
TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER J: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL MEDICAL GRADUATES

PART 591
VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES

SUBPART A: GENERAL PROVISIONS

- Section
591.10 Applicability
591.20 Definitions
591.30 Incorporated or Referenced Materials
591.40 Administrative Hearings

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

- Section
591.100 Participation Eligibility of Physicians and Facilities
591.110 Application Submission Timeframes
591.120 Application Materials and Processing
591.130 Selection Process
591.140 Terms of Performance

AUTHORITY: Authorized by and implementing Section 212(e) of the Immigration and Nationality Act (8 USC 1182(e)) and Section 214(k) of the Immigration and Nationality Act (8 USC 1184), and 22 CFR 514, the Final Rule of the U.S. Information Agency, Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program.

SOURCE: Adopted at 22 Ill. Reg. 14485, effective July 24, 1998; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 591.20 Definitions

"Act" means the Immigration and Nationality Act (8 USC 8-5-e- 1182(e) and 8 USC 8-5-e- 1184(k)).

"Community Health Center" means community/migrant health centers or health care for the homeless projects supported under Section 329, 330 or 340 of the Federal Public Health Service Act (42 USC 8-5-g- 254b, 254c, and 256), respectively, or federally qualified health center look-alikes, as designated by the U.S. Public Health Service.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS
12) Initial Regulatory Flexibility Analysis:
A) Type of Small Businesses, Small Municipalities, and Not-for-Profit Corporations affected: Medical facilities.

B) Reporting, Bookkeeping, or Other Procedures required for compliance: Staff processing of application.

C) Types of Professional Skills necessary for compliance: Staff skills for completion of application.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the decision to propose this rulemaking had not been made when the Regulatory Agenda was finalized.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Department" means the Illinois Department of Public Health.

"Downstate" means those Illinois counties other than Cook, Lake, McHenry, DuPage, Will and Kane.

"Full time practice" means maintaining office hours for medical patient care as required under the Act and the Code of Federal Regulations that equal or exceed the mean number of office hours per week reported by physicians, by specialty, and published in Table 9 of the American Medical Association's "Socioeconomic Characteristics of Medical Practitioner-1995."

"Health Professional Shortage Area" or "HPSA" is a designation given by the U.S. Department of Health and Human Services, Bureau of Primary Health Care, Division of Shortage Designation. The HPSA designation for primary care physicians is based on the ratio of physicians in the specialties of family practice, general internal medicine, general pediatrics, and obstetrics-gynecology and is used to identify areas needing additional primary care physicians. The list of HPSAs is published periodically in the Federal Register, most recently on December 31, 1996.

"Medical facility" means a facility for the delivery of health services and includes:

a community health center, public health center, outpatient medical facility, or community mental health center;

a hospital, State mental hospital, facility for long-term care or rehabilitation facility;

a facility for delivery of health services to inmates in a U.S. penal or correctional institution (under section 323 of the Public Health Service Act) or a State correctional institution;

a Public Health Service medical facility (used in connection with the delivery of health service under Section 320, 321, 322, 324, 325 or 326 of the Public Health Service Act); or any other federal medical facility.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiologic, transportation, and pharmacy. Primary care is comprehensive in nature and not organ or problem specific, is oriented toward the longitudinal care of the patient, and includes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

responsibility for coordination of other health and social services as they relate to patients' needs.

"Primary care physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 (225 ILCS 60) with a specialty in family practice, general internal medicine, general pediatrics, or obstetrics/gynecology.

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less.

"Urban" means any geographic area located in a U.S. Bureau of the Census Metropolitan Statistical Area, except a county located within a Metropolitan Statistical Area having a population of 60,000 or less.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section 591.100 Participation Eligibility of Physicians and Facilities

a) Physicians eligible to participate in the J-1 Visa Waiver program for International Medical Graduates in Illinois shall meet the following requirements:

1) have entered into an employment contract with a facility located in an HPSA with employment to begin no later than six months after the completion of their residency training in one of the primary care specialties;

2) be board eligible or board certified in family practice, general internal medicine, general pediatrics, or obstetrics/gynecology; and

3) have completed a residency in general internal medicine or general pediatrics, if either of those specialties are indicated in the application of the physician seeking participation in this program.

b) Medical facilities eligible to participate in the J-1 Visa Waiver Program in Illinois shall meet the following requirements:

1) in rural areas, be located in a geographic HPSA, be designated as a facility HPSA, or serve a population group HPSA, and be able to document that at least 75% of the patients seen at the facility are a part of the HPSA's population group; or

2) in urban areas, be located in a geographic HPSA, be designated as a facility HPSA or serve a population group HPSA, be able to document that at least 75% of the patients seen at the facility are a part of the HPSA's population group, and be a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

not-for-profit facility or a public facility.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
500.100	Amendment
500.201	Amendment
500.203	Amendment
500.204	Amendment
500.205	Amendment
500.206	New Section
500.210	Amendment
500.230	Amendment
500.235	Amendment
500.265	Amendment
500.297	New Section
- 4) Statutory Authority: 35 ILCS 505/1
- 5)

<u>A. Complete Description of the Subjects and Issues Involved:</u>	<u>Amends the Motor Fuel Tax Law as follows:</u>
	Amends definitions of distributor, blending, l-k kerosene, and supplier and adds definitions for dyed diesel fuel, terminal rack, premises, kerosene-type jet fuel, and designated inspection site.
	Provides that all special fuel sold or used for non-highway purposes must contain a dye as defined in the statute. The dye must be added prior to removal from the terminal rack. The Department may also require all special fuel sold for non-highway use to have a marker added.
	Provides for notices on shipping papers accompanying any sale of dyed diesel fuel and storage containers used to store or distribute dyed diesel fuel.
	Deletes bulk user licensing and filing requirements.
	Provides that losses of fuel or motor fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss in excess of 1% shall be subject to tax.
	Provides for claims based upon the use of undyed diesel fuel only upon undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-11.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways and unlicensed commercial vehicles operating on private property.

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NOTICE OF PROPOSED AMENDMENTS

Establishes specific uses and limits on the amount of undyed diesel fuel that may be claimed for refund.

Makes other changes.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Martha Mote
Gina Roccaforte
Associate Counsels
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, IL 62794
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Persons subject to the Motor Fuel Tax Law.
- B) Reporting, bookkeeping, or other procedures required for compliance: Minimal

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments is identical to the text of the Emergency Amendment published in this issue of the Illinois Register on page 882 :

ILLINOIS REGISTER

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Carnival and Amusement Ride Inspection Law

2) Code Citation: 56 Ill. Adm. Code 6000

3) Proposed Action:
6000.10 Amendment
6000.50 Amendment

4) Statutory Authority: 430 ILCS 85/2-6

5) Effective date of amendments: January 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of proposal published in Illinois Register: September 10, 1999, 23 Ill. Reg. 10898

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In Section 6000.50, delete the period at end of Section heading. In Section 600.50(d), added "after the inspector issues an invoice for an inspection or permit fee or the Department issues a notice involving an administrative hearing fee".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This amendment implements action taken by the Board at its January 16, 1999 meeting.

16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS REGISTER

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Carl Kimble, Chief Inspector
Carnival & Amusement Ride Division
Illinois Department of Labor
#1 W. Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-9347

The full text of the adopted amendment begins on the next page.

ILLINOIS REGISTER

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000

CARNIVAL AND AMUSEMENT RIDE INSPECTION LAW

Section	Definitions
6000.10	Exemptions
6000.20	Inspections
6000.30	Application for a Permit to Operate
6000.40	Permit, Inspection and Associated Fees
6000.50	Revocation of Permit to Operate (Repealed)
6000.60	Suspension of Permit to Operate
6000.65	Ride Design and Construction
6000.70	Insurance
6000.80	Penalties
6000.90	Appeals
6000.100	Assembly and Disassembly
6000.110	Operator Requirements
6000.120	Passenger Conduct
6000.130	Signal Systems
6000.140	Daily Inspection and Test
6000.150	Reports
6000.160	Maintenance
6000.170	Stop Operation Order
6000.180	Fire Prevention and Protection
6000.190	Internal Combustion Engines
6000.200	Means of Access and Egress
6000.210	Electrical Equipment
6000.220	Hydraulic Systems
6000.230	Air Compressors and Equipment
6000.240	Wire Rope
6000.250	Chain
6000.260	Inflated Amusement Attractions and Inflated Buildings
6000.270	Non-Destructive Testing
6000.280	Ski Lifts, Aerial Tramways, and Rope Tows
6000.290	Go-Karts, Dune Buggies, and All-Terrain Vehicles
6000.300	Water Slides
6000.310	Dry Type Slides
6000.320	Trams
6000.330	Bungee Jumping
6000.340	

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85].

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CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENT(S)

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 1917, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. 14954, effective December 1, 1997; amended at 24 Ill. Reg. 4933, effective January 1, 1998.

Section 6000.10 Definitions

In addition to those definitions found in Section 2-2 of the Carnival and Amusement Rides Safety Act (the Act) [430 ILCS 85/2-2], the following definitions shall apply for the purposes of this Part:

"Administrative Hearing Fee" means a fee assessed by the Department upon an operator when the Department issues a notice for an administrative hearing to suspend the Permit to Operate and/or collect past due fees.

"Annual Inspection" is the official inspection of a ride or device made by the Director or his designee.

"ANST" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 1711 Arlington Plaza, P.O. Box #28518, Columbus, Ohio 43228-0518.

"ASTM" is the abbreviation for American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

"Department" means Illinois Department of Labor. (Section 2-2 of the Act)

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"Director" means the Director of the Illinois Department of Labor or his designee. (Section 2-2 of the Act)

"Dry Slides" means an inclined surface with a change in elevation of twenty feet or more upon which people slide or are conveyed.

"Plunge" means an inclined channel which conveys the water and the slide participant from the top of the slide to the plunge pool.

"Inspection-Scheduling-Fee" means a fee assessed by the Department upon an operator who requests an inspection less than two weeks before the first scheduled day of operation.

"Kiddie Rides" are those rides which are designed for 75 pounds or less per passenger.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those rides which are designed for more than 75 pounds per passenger unit.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions. (Section 2-2 of the Act) For the purpose of this Part:

Owner means the person, partnership, company, corporation, or any other entity, or agency of the State or any of its political subdivisions, who owns an amusement ride or amusement attraction.

Agent means a person employed by the Owner to carry out the responsibilities of management on the Owner's behalf.

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Manager means a person employed by the Owner and who is responsible to the Agent or the Owner for the day-to-day on-site management of the amusement ride(s) and/or amusement attraction(s).

Attendant means a person employed by the Owner to physically operate an amusement ride or amusement attraction when it is open to the public.

Assistant means a person employed by the Owner to assist the Attendant in operating an amusement ride or amusement attraction when it is open to the public.

"Payment of Fees" as used in this Part shall be deemed made if the department receives all fees assessed in the form of a check or money order made payable to "Illinois Department of Labor" no later than seven calendar days after the date of inspection.

"Permit" means a permit issued annually by the Department allowing an amusement ride or an amusement attraction unit to be operated in the State of Illinois.

"Plunge Pool" means a pool or artificial body of water into which a person exits from a water slide.

"Public Use" means an operator of an amusement ride or amusement attraction does not prohibit or restrict access to the ride or attraction by members of the community, except as permitted under Section 2-19 of the Act and Section 6000.130 of this Part.

"Reinspection" is an inspection, other than the annual inspection made during the year, as a result of any necessary repairs not being completed while the inspector is on site.

"Serious Injury" means an injury for which treatment by a licensed physician is required.

"Tram" means: Any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides. (Section 2-2 of the Act)

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"Water Slide" means a slide which consists of a flume, a plunge pool, a pump reservoir and water treatment facilities where water is pumped to the top of the flume and allowed to flow down the flume to the plunge pool.

(Source: Amended at 24 Ill. Reg. 49.0, effective 1/1/11)

Section 6000.50 Permit, Inspection and Associated Fees

Fees assessed under the Act will be:

a) Permit Fees

- 1) Kiddie Rides: \$10.00 each
- 2) Major Rides: \$25.00 each
- 3) Amusement Attractions: \$25.00 each
- 4) Ski Lifts, Aerial Tramways, and Rope Tows: \$25.00 each
- 5) Inflated Amusement Attractions: \$10.00 each
- 6) Permit issued upon resolution of a Stop Operation Order: \$10.00 each

b) Inspection Fees

- 1) Kiddie Rides: \$20.00 each
- 2) Major Rides: \$50.00 each
- 3) Amusement Attractions: \$50.00 each
- 4) Ski Lifts, Aerial Tramways, and Rope Tows: \$50.00 each
- 5) Inflated Amusement Attractions: \$20.00 each
- 6) Reinspection to resolve a Stop Operation Order: \$250.00 each
- 7) Reinspection: \$20.00 each
- c) Administrative Hearing Fee: \$250.00 per hearing.

d) Inspection--Scheduling Fee: \$100.00 per amusement ride and/or amusement attraction:

de) Fees double if not paid within 45 days after the inspector issues an invoice for an inspection or permit fee or the Department issues a notice involving an administrative hearing fee.

(Source: Amended at 24 Ill. Reg. 49.0, effective 1/1/11)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: School Construction Program

- 2) Code Citation: 23 Ill. Adm. Code 151

- 3) Section Number: Adopted Action:
151.60 Amendment

- 4) Statutory Authority: 105 ILCS 230/5

- 5) Effective Date of Amendment: January 3, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? The rulemaking does not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: September 10, 1999; 23 Ill. Reg. 10916

- 10) Has JCAR issued a Statement of Objection to this amendment? No

- 11) Differences between proposal and final version: In subsection (c), a new provision was added to establish a time limit for the use of a grant index, so that it will lapse if not used within 36 months after entitlement.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? Yes

- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
151.10	Amendment	23 Ill. Reg. 13295
151.20	Amendment	23 Ill. Reg. 13295
151.70	Repeal	23 Ill. Reg. 13295
151.100	New Section	23 Ill. Reg. 13295
151.110	New Section	23 Ill. Reg. 13295
151.120	New Section	23 Ill. Reg. 13295
151.130	New Section	23 Ill. Reg. 13295

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NOTICE OF ADOPTED AMENDMENT

- 151.135 New Section 23 Ill. Reg. 13295
151.140 New Section 23 Ill. Reg. 13295

- 15) Summary and Purpose of Amendment: planning for the construction expenditures involved in this program requires an ability to predict what index will be used. However, school districts' grant indexes may change from year to year, and a grant entitlement may be issued in an earlier year than the eventual grant to which it refers. Districts have found themselves at a disadvantage when the later grant index has been lower than it was in the year when they received their entitlements, because they have then been faced with the need to make up more of the expenditures from their own funding sources. The change in Section 151.60 will provide a firm basis for districts' budgeting and allow them to take advantage of higher grant indexes if theirs decrease while they are awaiting the issuance of grants.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Nona Myers
School Construction and Facility Services Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
(217) 785-8779

The full text of the adopted amendment begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER 1: STATE BOARD OF EDUCATION

SUBCHAPTER C: FINANCE

PART 151

SCHOOL CONSTRUCTION PROGRAM

Section

- 151.10 Purpose
- 151.20 Eligible Applicants
- 151.30 Application for School Construction Project Grant
- 151.35 Application for School Construction Project Grant Entitlement - Districts With A Population Exceeding 500,000
- 151.40 Award of Construction Project Grant Entitlement
- 151.50 Priority Ranking of Construction Grant Entitlements
- 151.55 Needed Capacity for Unit Districts
- 151.60 Grant Index
- 151.70 Debt Service Grants

AUTHORITY: Implementing the School Construction Law [105 ILCS 230] and authorized by Section 5-55 of that Law.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days; emergency rules modified in response to JCRR objection at 22 Ill. Reg. 4500, emergency expired June 15, 1998; emergency rules adopted at 22 Ill. Reg. 6238, effective March 24, 1998, for a maximum of 150 days; emergency rules modified in response to JCRR objection at 22 Ill. Reg. 7703; adopted at 22 Ill. Reg. 12538, effective July 6, 1998; emergency amendment at 23 Ill. Reg. 11336, effective September 14, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 1499, effective 4/9/00.

Section 151.60 Grant Index

- The amount of a school construction project grant or debt service grant shall be determined by using the district's grant index and the formulas given in Sections 5-5, 5-35(a), and 5-45 of the School Construction Law.
- Separate grant indexes shall be calculated for elementary districts, high school districts, and unit districts.
- For each grant issued after September 1, 1999, the ~~the~~ equalized assessed valuation and average daily attendance used in calculating a district's grant index shall be taken from the district's general state aid claim filed in the fiscal year in which the grant entitlement is made. The average daily attendance to be used shall be the district's best three months average daily attendance. A grant

STATE BOARD OF EDUCATION

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index shall lapse if a grant is not awarded within 36 months after entitlement, and a new grant index shall be issued based upon the district's most recent general state aid claim.

(Source: Amended at 24 Ill. Reg. 497, effective JAN 3 - 7/00)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Certified Veterinary Technicians2) Code Citation: 68 Ill. Adm. Code 1505

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
1505.10	Amendment
1505.30	Amendment
1505.40	Amendment
1505.52	New Section

4) Statutory Authority: Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115]5) Effective Date of Amendments: December 31, 19996) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Date Notice of Proposal Published in Illinois Register: October 8, 1999, at 23 Ill. Reg. 12241.10) Has JCAR issued a Statement of Objection to these amendments? No11) Differences between proposal and final version: Several technical changes were made.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these amendments replace emergency amendments currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Amendments: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this rulemaking adds Section 1505.52 to accomplish that change. It also makes various technical changes.16) Information and questions regarding this amended Part shall be directed to: Department of Professional Regulations

Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax #: 271/7645

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1505
CERTIFIED VETERINARY TECHNICIANS

Section
1505.10 Application for Examination

- 1505.20 Examination
1505.30 Endorsement
1505.40 Restoration
1505.50 Renewals
1505.52 Fees
1505.55 Continuing Education
1505.60 Permissible Functions for Veterinary Technicians
1505.70 Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 1994 (225 ILCS 115) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 10 Ill. Reg. 19500, effective November 5, 1986; transferred from Chapter I, 68 Ill. Adm. Code 505 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1505 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2516; amended at 18 Ill. Reg. 11180, effective June 30, 1994; amended at 24 Ill. Reg. 500, effective DEC 3 1994.

Section 1505.10 Application for Examination

- a) An applicant for a certificate as a veterinary technician shall file an application, on forms supplied by the Department of Professional Regulation (the Department), at least 60 days prior to an examination date. The application shall include:
- 1) Certification of graduation from a veterinary technician program accredited by the American Veterinary Medical Association;
 - 2) A complete work history since completion of a veterinary technician program;
 - 3) Certification of licensure from state of original and current licensure, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and

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4) The required fee set forth in Section 1505.52 of this Part 14424 of the Act.

- b) Examination prior to graduation
- 1) An applicant enrolled in an approved veterinary technician program will be admitted to the May or December examination prior to graduation if he/she provides certification from a veterinary technician program from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination(s) shall be void.
 - 2) The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation, within 90 days after the scheduled graduation date specified in subsection (b)(1) above.
 - 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.
 - c) Applicants who have successfully completed the Veterinary Technician National Examination prepared by the Professional Examination Service in another state will receive credit for that examination if the applicant passed the examination according to the testing entity's standard. The examination score report must be forwarded to the Department from Interstate Reporting Service.

(Source: Amended at 24 Ill. Reg. 501, effective DEC 3 1994)

Section 1505.30 Endorsement

- a) An applicant who is certified as a veterinary technician under the laws of another state or territory of the United States shall file an application with the Department, together with:
- 1) A certification from the licensing authority of the state or territory of original licensure stating:
 - A) The time during which the applicant was licensed in that state;
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 - C) A brief description of the examination and the grades received. If the examination is the examination prepared by the Professional Examination Service, the grades must be forwarded directly to the Department from Interstate Reporting Service and must reflect the grade received in the state of original licensure;
 - 2) Certification of licensure from the state in which the applicant is currently licensed if it is other than the state of original licensure;

DEPARTMENT OF PROFESSIONAL REGULATION

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- 3) A completed Certification of Education form that must be signed by the dean or registrar of the school from which the applicant received his/her professional training;
- 4) A complete work history since completion of the applicant's training; and

- 5) The required fee set forth in Section 1505.52 ~~44~~50 of the Act.
- b) The Department shall examine each application to determine compliance with Section 13 of the Veterinary Medicine and Surgery Practice Act of 1994 (the Act) [225 ICS 115]. The applicant may be required to appear before the Veterinary Licensing and Disciplinary Board (the Board) to clarify or explain information contained on the submitted documentation in order for the Board to determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State at the time of licensure.

(Source: Amended at 24 Ill. Reg. 501 effective 1/1/1994)

Section 1505.40 Restoration

- a) A veterinary technician seeking restoration of a certificate that has expired for less than 5 years shall have the certificate restored upon payment of the required fees. ~~However, a veterinary technician seeking restoration of a certificate within 2 years after termination of military service as provided in Section 15 of the Act shall upon submission of an affidavit attesting to such service, be excused from the payment of any fees.~~

- b) A veterinary technician seeking restoration of a certificate that has expired or been on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the required fee. The veterinary technician shall also submit either:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

- 2) Two affidavits attesting to the applicant's practice as a veterinary technician in a jurisdiction where licensure is not required; or

- 3) An affidavit attesting to military service as provided in Section 15 of the Act; or

- 4) Evidence of other experience within the profession, other than active practice (such as research, teaching or publishing) during the time in which the certificate was expired.

- c) A veterinary technician seeking restoration of a certificate that has been on inactive status for less than five years shall have the certificate restored upon filing an application, on forms provided by the Department, and paying the current renewal fee.

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- d) A ~~After January 31, 1997, a~~ veterinary technician seeking restoration of a license shall be required to complete the continuing education requirements set forth in Section 1505.55 for one renewal period. ~~However, an individual restoring within 2 years after termination of military service pursuant to Section 15 of the Act will not be required to submit proof of continuing education.~~
- e) A veterinary technician seeking restoration of a certification within 2 years after termination of military service as provided in Section 15 of the Act shall, upon submission of an affidavit attesting to that service, be required to pay only the current renewal fee.

- f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 24 Ill. Reg. 501 effective 1/1/1994)

Section 1505.52 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a certificate as a veterinary technician is \$50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

- b) Renewal Fees. The fee for the renewal of a certificate shall be calculated at the rate of \$25 per year.

- c) General Fees.

- 1) The fee for the restoration of a certificate other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$150.

- 2) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate for a certificate that has been lost or destroyed, or for the issuance of a certificate with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes

DEPARTMENT OF PROFESSIONAL REGULATION

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- On Department records when no duplicate certificate is issued, purpose is \$20.
- 3) The fee for a certification of a registrant's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as veterinary technicians in this State shall be the actual cost of producing the roster.

(Source: Added at 24 Ill. Reg. 5.0 j, effective 11/1/99)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Collection Agency Act
- 2) Code Citation: 68 Ill. Adm. Code 1210
- 3) Section Numbers: Adopted Action:
1210.25 Amendment
1210.110 Amendment
1210.237 New Section
- 4) Statutory Authority: Collection Agency Act (225 ILCS 425)
- 5) Effective Date of Amendments: December 31, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 1, 1999, at 23 Ill. Reg. 11814.
- 10) Has JCER issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: No substantive differences.
- 12) Have all the changes agreed upon by the Agency and JCER been made as indicated in the agreement letter issued by JCER? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this rulemaking adds Section 1210.237 to accomplish that change.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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The full text of the adopted amendments begins on the next page:

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CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1210
COLLECTION AGENCY ACT

Section	Definitions
1210.10	Officer
1210.20	Application for Registration
1210.25	Harassment Defined (Repealed)
1210.30	Section 9.21 of Act Defined (Repealed)
1210.40	Posing as an Attorney (Repealed)
1210.50	Communication by Agency
1210.60	Use of Pseudonyms
1210.70	Doing Business at More Than One Office or Location
1210.80	Additional Office or Change of Location of Office
1210.90	Notices (Repealed)
1210.100	Change of Ownership
1210.105	Termination or Change in Registration
1210.110	Address for Notice (Repealed)
1210.120	Use of Street Addresses (Repealed)
1210.130	Records and Documents to be Kept by Collection Agency
1210.140	Recording of Payments
1210.150	Multiple Creditors
1210.160	Availability of Books, Records, Forms and Stationery
1210.170	Accounting and Remitting Collected Funds
1210.180	Creditor Accounts
1210.190	Trust Accounts (Repealed)
1210.200	Notice for Hearing (Repealed)
1210.210	Procedures for Hearing (Repealed)
1210.220	Default Disposition of a Hearing (Repealed)
1210.230	Renewals
1210.235	Fees
1210.237	Granting Variances
1210.240	Construction of Rules and Regulations (Repealed)
1210.250	

AUTHORITY: Implementing Section 13 of the Collection Agency Act [225 ILCS 425] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Collection Agency Act, effective December 3, 1976; codified at 5 Ill. Reg. 11025; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 210 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1210 (Department

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of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2919; amended at 17 Ill. Reg. 1535, effective January 25, 1993; amended at 22 Ill. Reg. 16479, effective September 4, 1998; amended at 24 Ill. Reg. 508, effective 1/1/00.

Section 1210.25 Application for Registration

All applications for registration as a collection agency shall be submitted to the Department, on forms provided by the Department, and include:

- The name and address of all officers of the collection agency (as defined in Section 1210.20). The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address;
- Proof of a \$25,000 surety bond;
- The name of the bank, savings and loan association or other required depository in which the trust account shall be maintained; and
- The required fee set forth in Section 1210.237 ~~8417~~ of the Act.

(Source: Amended at 24 Ill. Reg. 508, effective 1/1/00.)

Section 1210.110 Termination or Change in Registration

- The certificate of registration shall terminate:
 - When the agency ceases operation;
 - When the agency ceases to operate under the name on the certificate of registration;
 - When the bond is nonrenewed or cancelled; or
 - When the certificate of registration is revoked.
- The agency shall notify the Department in writing by certified mail within 10 days when the agency ceases to operate or ceases to operate under the name on the certificate. Notice of bond termination is set forth in Section 847 of the Act.
- In the event of a change of the agency name, the registrant may apply for a new certificate of registration in advance of the effective date of such change by filing an application and paying the appropriate fee as set forth in Section 1210.237 ~~847~~ of the Act. The application shall be handled as an original application.
- All notices required by this Section shall be sent to the Department at 320 West Washington, 3rd Floor, Springfield, Illinois 62786.

(Source: Amended at 24 Ill. Reg. 508, effective 1/1/00.)

Section 1210.237 Fees

- The following fees shall be paid to the Department and are not refundable:

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1) Application Fees

- The fee for application for a certificate of registration as a collection agency is \$750.
- The fee for application for a certificate of registration to operate as a branch office is \$250.

2) Renewal Fees

- The fee for the 3-year renewal of a certificate of registration as a collection agency is \$750.
- The fee for the 3-year renewal of a certificate of registration for a branch office is \$150.

3) General Fees

- The fee for the issuance of a duplicate certificate of registration, for the issuance of a replacement certificate for a certificate that has been lost or destroyed, or for the issuance of a certificate with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- The fee for a certificate of license is issued, purpose is \$20.
- The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.
- The fee for a roster of registrants shall be the actual cost of producing the roster.
- All fees collected under the Act and this Part shall be deposited into the General Professions Dedicated Fund. All monies in the fund shall be used by the Department of Professional Regulation, as appropriated, for the ordinary and contingent expenses of the Department.

c) Fees

- Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fee of \$50.
- If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fee for the returned check, an additional fee of \$100 shall be imposed.
- The fee imposed by this Section are in addition to any other discipline provided under the Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that fees shall be paid to the Department by certified check or money order within 30 calendar days after the notification.
- If, after the expiration of 30 days from the date of notification the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or

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- 5) If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees due to the Department. The Director may waive the fees due under this Section in individual cases where the Director finds the fees would be unreasonable or unnecessarily burdensome.

(Source: Added at 24 Ill. Reg. 508, effective 01/31/99)

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- 1) Heading of the Part: Detection of Deception Examiners Act
- 2) Code Citation: 68 Ill. Adm. Code 1230
- 3) Section Numbers: Adopted Action:
1230.155 New Section
- 4) Statutory Authority: Detection of Deception Examiners Act [225 ILCS 430].
- 5) Effective Date of Amendments: December 31, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 1, 1999, at 23 Ill. Reg. 11820.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this rulemaking adds Section 1230.155 to accomplish that change.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Professional Regulation
Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1230

DETECTION OF DECEPTION EXAMINERS ACT

Section	Statutory Authority (Repealed)
1230.10	Definitions
1230.20	Six Month Study of Detection of Deception
1230.30	Instructors Qualifications and Approval
1230.40	Application for Registered Training
1230.50	Application for Licensure Examination
1230.60	Licensure Examination
1230.70	Impermissible Advertising
1230.80	Pre-Test Interview
1230.90	Protection of the Rights of the Subject
1230.100	Impermissible Activities of an Examiner
1230.110	Disclosure of Examination Results
1230.120	Required Records
1230.130	Endorsement
1230.140	Renewals
1230.150	Fees
1230.155	Granting Variances
1230.160	

AUTHORITY: Implementing Section 22 of the Detection of Deception Examiners Act [225 ILCS 430] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Regulations promulgated for the Administration and Enforcement of the Illinois Detection of Deception Examiners Act, effective June 26, 1975; codified at 5 Ill. Reg. 11031; amended at 6 Ill. Reg. 789, effective January 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 230 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1230 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2929; amended at 22 Ill. Reg. 10567, effective June 1, 1998; amended at 24 Ill. Reg. 514, effective 1/1/99.

Section 1230.155 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a license as a detection of deception examiner is \$25. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the

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time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

b) Renewal fees. The fee for the renewal of a license shall be calculated at the rate of \$90 per year.

c) General fees.

1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to exceed \$500.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is \$20.

4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.

5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

6) The fee for a roster of persons licensed as detection of deception examiners in this State shall be the actual cost of producing the roster.

(Source: Added at 24 Ill. Reg. 514, effective 1/1/00)

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1) Heading of the Part: Dietetic and Nutrition Services Practice Act

2) Code Citation: 68 Ill. Adm. Code 1245

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1245.100	Repealed
1245.110	Amendment
1245.150	Amendment
1245.160	Amendment
1245.200	Repealed
1245.210	Amendment
1245.250	Amendment
1245.260	Amendment
1245.300	Amendment
1245.305	New Section
1245.310	Amendment

4) Statutory Authority: Dietetic and Nutrition Services Practice Act [225 ICS 30]

5) Effective Date of Amendments: December 31, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: October 8, 1999, at 23 Ill. Reg. 12248.

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Several technical changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this rulemaking adds Section 1245.305 to accomplish that change.

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Obsolete provisions have also been removed and various technical revisions have been made.

- 16) Information and questions regarding this amended Part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax #: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1245

DIETETIC AND NUTRITION SERVICES PRACTICE ACT

SUBPART A: DEFINITIONS

Section
1245.10
Definitions

SUBPART B: DIETITIAN

Section
1245.100
Application for Licensure as a Dietitian Under Section 60(a) of the Act (Grandfather) (Repealed)
1245.110
Application for Examination/Licensure
1245.120
Examination
1245.130
Approved Programs in Dietetics
1245.140
Experience
1245.150
Endorsement
1245.160
Restoration

SUBPART C: NUTRITION COUNSELOR

Section
1245.200
Application for Licensure as a Nutrition Counselor Under Section 60(b) of the Act (Grandfather) (Repealed)
1245.210
Application for Examination/Licensure
1245.220
Examination
1245.230
Approved Programs of Nutrition Counselors
1245.240
Experience
1245.250
Endorsement
1245.260
Restoration

SUBPART D: GENERAL

Section
1245.300
Renewal
1245.305
Fees
1245.310
Continuing Education
1245.320
Inactive Status
1245.330
Unprofessional Conduct
1245.340
Granting Variances

AUTHORITY: Implementing the Dietetic and Nutrition Services Practice Act [225

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ILCS 30) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 19 Ill. Reg. 7598, effective May 26, 1995; expedited correction at 19 Ill. Reg. 11678, effective May 26, 1995; amended at 22 Ill. Reg. 8445, effective May 4, 1998; amended at 22 Ill. Reg. 19856, effective October 30, 1998; amended at 24 Ill. Reg. 518, effective

JUL 11 1998

SUBPART B: DIETITIAN

Section 1245.100 Application for licensure as a Dietitian Under Section 60(a) of the Act (Grandfather) (Repealed)

- a) Any person seeking a license without examination under Section 60(a) of the Dietetic and Nutrition Services Practice Act (the Act) shall file an application with the Department on forms provided by the Department. The application shall be postmarked no later than December 31, 1995, and shall include the following:

1) Verification of:

- a) current registration as a Registered Dietitian from the Commission on Dietetic Registration, the accrediting body for the American Dietetic Association, and verification of current practice in Illinois; or

- b) employment in the practice of dietetics, as defined in Section 10 of the Act, in Illinois for at least 3 of the last 5 years prior to January 1, 1997, for a minimum of 20 hours per week and certification of education and an official transcript from:

- 1) A baccalaureate or post-baccalaureate program in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post-Secondary Accreditation (CORPA) and the United States Department of Education; or
- 2) A baccalaureate degree or post-baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130 of this Part;

- 3) A complete work history since graduation from a baccalaureate program;

- 4) The required fee set forth in Section 95(a) of the Act; and

- 5) Certification on forms provided by the Department from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

- a) the time during which the applicant was licensed in that

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jurisdiction including the date of original issuance of the license and whether the file on the applicant contains any record of disciplinary actions taken or pending.

- b) Practice or employment in dietetics shall be documented by one or more of the following:

- 1) Certification of experience on forms provided by the Department, signed by an employer or
- 2) three affidavits submitted by clients, peers or colleagues familiar with the applicant's work;
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for classification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Repealed at 24 Ill. Reg. 518, effective _____, JUL 11 1998)

Section 1245.110 Application for Examination for Licensure

- a) An applicant for examination to obtain licensure as a dietitian shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:

- 1) Certification of education and an official transcript indicating the applicant holds one of the following:

- A) A baccalaureate degree or post baccalaureate degree in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post-Secondary Accreditation and the United States Department of Education; or

- B) A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130 of this Part;

- 2) Verification of 900 hours of experience, on forms provided by the Department;

- A) Prior to July 1, 1995, an applicant shall document 900 hours of employment as a dietitian;

- B) Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.140 of this Part;

- 3) A complete work history;

- 4) The required fee set forth in Section 1245.305 of the Act; and

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management or nutrition education from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post Secondary Accreditation, or in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130(a) of this Part;

- 2) Certification of at least 900 hours of supervised or internship experience as set forth in Section 1245.140 of this Part;
- 3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant is currently licensed/registered and is currently licensed/registered, stating:

- A) The time during which the applicant was originally licensed/registered;
- B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
- C) Examination(s) taken and examination score(s) received;
- 4) A complete work history since graduation from a baccalaureate or post baccalaureate program; and
- 5) The required fee as set forth in Section 1245.305. b)(d)--of--the Act.

- b) In lieu of the documents in subsections (a)(1) and (2) above, the applicant may submit a current registration as a "registered dietitian" from the Commission on Dietetic Registration, or
- c) An applicant for licensure as a dietitian who is registered/licensed under the laws of another state or territory of the United States or of a foreign country or is a registered dietitian may practice dietetics in this State until:
 - 1) The expiration of 6 months after the filing of the written application;
 - 2) The withdrawal of the application; or
 - 3) The denial of the application by the Department.

- d) The applicant shall have the license issued or be notified in writing of the reason for denying the application.

(Source: Amended at 24 Ill. Reg. 510, effective 1/1/1994)

Section 1245.160 Restoration

- a) Any dietitian whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1245.305. 95-of-the-act and providing proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration.

- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an

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- 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- B) A description of the examination in that jurisdiction; and
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- b) In lieu of the documents in subsections a)(1) and (2) above an applicant for licensure as a dietitian who at the time of application has maintained a "registered dietitian" designation from the Commission on Dietetic Registration shall submit a copy of his/her current registration from the Commission. The applicant will not be required to take the examination set forth in Section 1245.120.

- c) If an applicant for licensure is not a registered dietitian but has taken and passed the dietetic examination given through the Commission on Dietetic Registration within 12 months before applying for licensure, the applicant shall not be required to retake the exam. The examination scores shall be submitted to the Department directly from the testing entity.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

- e) An applicant who has filed a completed application with the Department may work under direct supervision as defined in Section 1245.10 of this Part.

(Source: Amended at 24 Ill. Reg. 510, effective 1/1/1994)

Section 1245.150 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a dietitian shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Certification of education and an official transcript from a baccalaureate or post baccalaureate degree program in human nutrition, foods and nutrition, dietetics, food systems

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application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1245.305 of the Act and proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration. The applicant shall also submit:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 - 2) An affidavit attesting to military service as provided in Section 65 of the Act;
 - 3) Proof of passage of the ADA/CDR examination for dietitians during the period the license was lapsed or on inactive status; or
 - 4) Current "Registered Dietitian" status from the Commission on Dietetic Registration.
- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- e) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 24 Ill. Reg. 518, effective 1/1/1984)

SUBPART C: NUTRITION COUNSELOR

Section 1245.200 Application for License as a Nutrition Counselor Under Section 60(b) of the Act (Grandfather) (Repealed)

- a) Any person seeking a license without examination under Section 60(b) of the Dietetic and Nutrition Services Practice Act shall file an application with the Department on forms provided by the Department. The application shall be postmarked no later than December 31, 1997 and shall include the following:
- 1) Verification of employment as a provider of nutrition services in

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Illinois for remuneration for at least 3 of the last 5 years prior to January 17, 1992, for a minimum of 20 hours per week. Employment shall be documented by one or more of the following:

- A) Certification of experience on forms provided by the Department signed by an employer or
 - B) Three affidavits submitted by clients, peers or colleagues familiar with the applicant's work.
- 2) Evidence of meeting a level of competency as required in Section 60(b) of the Act. Evidence shall include at least one of the following:
- A) Submission of a certification of education on forms provided by the Department and an official transcript from a baccalaureate degree or post-baccalaureate degree in human nutrition, food, science, home economics, biochemistry, physiology, public health or an equivalent major course of study as set forth in Section 1245.230 from a school or program accredited at the time of graduation by an accrediting agency recognized by the Commission on Recognition of Post-Secondary Accreditation and the United States Department of Education; or
 - B) Verification of licensure as a Doctor of Chiropractic (D-C), Doctor of Naturopathy (D-N), Medical Doctor (M.D.) or Doctor of Osteopathy (D-O), Registered Professional Nurse (R-N), or
 - C) Verification of current registration as a Certified Clinical Nutritionist (CCN), proof of passage of the CEN examination from the International and American Association of Clinical Nutritionists and a baccalaureate or post-baccalaureate degree from a regionally accredited institution; or
 - B) Verification of practicing nutrition counseling for at least 15 years for remuneration; or
 - E) Proof of current registration from the Certification Board for Nutrition Specialists with the American College of Nutrition.
- 3) A complete work history;
 - 4) The required fee set forth in Section 65(a) of the Act; and
 - 5) Certification on forms provided by the Department from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction including the date of original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the

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~~Department or the Board because of lack of information--discrepancies or conflicts--in information--given or a need for clarification--the applicant seeking licensure shall be requested to:~~
 1) Provide such information as may be necessary; and/or
 2) Appear for an interview before the Board to explain such relevance or sufficiency; clarify information--or--clear-up any discrepancies or conflicts in information.

(Source: Repealed at 24 Ill. Reg. 511, effective 10/1/1999)

Section 1245.210 Application for Examination/Licensure

a) An applicant for examination to obtain licensure as a nutrition counselor shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:

1) Certification of education, on forms provided by the Department, and an official transcript indicating the applicant holds one of the following:

A) A baccalaureate degree or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health granted from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post-Secondary Accreditation and the United States Department of Education; or

B) A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.230 of this Part:

2) Verification of 900 hours of experience, on forms provided by the Department:

A) Prior to July 1, 1995, an applicant shall document 900 hours of employment as a nutrition counselor;

B) Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.240 of this Part;

3) A complete work history since graduation from a baccalaureate program;

4) The required fee set forth in Section 1245.305 ~~05-of-the-Act~~; and

5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of

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disciplinary actions taken or pending.
 b) An applicant who has filed a completed application with the Department may work under direct supervision as defined in Section 1245.10 of this Part.

(Source: Amended at 24 Ill. Reg. 511, effective 10/1/1999)

Section 1245.250 Endorsement

a) An applicant who is registered/licensed under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a nutrition counselor shall file an application with the Department, on forms provided by the Department, which includes:

1) Certification of a baccalaureate degree or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post-Secondary Accreditation, or in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.230 of this Part;

2) Certification of at least 900 hours of experience in accordance with Section 1245.240 of this Part;

3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant is currently licensed/registered, stating:

A) The time during which the applicant was originally licensed/registered;

B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and

C) Examination(s) taken and examination score(s) received;

4) A complete work history; and

5) The required fee as set forth in Section 1245.305 ~~05-of-the-Act~~.

b) An applicant for licensure as a nutrition counselor who is registered/licensed under the laws of another state or territory of the United States or of a foreign country may practice in this State until:

1) The expiration of 6 months after the filing of the written application;

2) The withdrawal of the application; or

3) The denial of the application by the Department.

c) The applicant shall have the license issued or be notified in writing of the reason for denying the application.

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(Source: Amended at 24 Ill. Reg. 516, effective
JUL 31 1999)

Section 1245.260 Restoration

- a) Any nutrition counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1245.305 65--of--the--Act and providing proof of meeting continuing education requirements of Section 1245.290 of this Part during the 2 years prior to restoration.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1245.305 65--of--the Act and proof of meeting continuing education requirements of Section 1245.290 of this Part during the 2 years prior to restoration. The applicant shall also submit:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 - 2) An affidavit attesting to military service as provided in Section 65 of the Act; or
 - 3) Proof of passage of the Department authorized examination for nutrition counselor during the period the license was lapsed or on inactive status.
- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

- e) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 24 Ill. Reg. 516, effective
JUL 31 1999)

SUBPART D: GENERAL

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Section 1245.300 Renewal

- a) The first renewal period for licenses issued under the Act shall be October 31, 1997. Thereafter, every license issued under the Act shall expire October 31 of odd-numbered years. For the October 31, 1999 renewal, a licensee will be required to complete 15 hours of continuing education. ~~Beginning with the October 31, 2001 renewal and every renewal thereafter, in~~ In order to renew a license, a licensee shall be required to complete 30 hours of continuing education in accordance with Section 1245.310 of this Part. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 24 Ill. Reg. 518, effective
JUL 31 1999)

Section 1245.305 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
 - 1) The fee for application for a license as a dietitian or nutrition counselor is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application as a continuing education sponsor is \$500. State colleges, universities, and State agencies are exempt from payment of this fee.
- b) Renewal Fees.
 - 1) The fee for the renewal of a license shall be calculated at the rate of \$50 per year.
 - 2) The fee for renewal of continuing education sponsor approval is \$250 for the renewal period (see Section 1245.310(c)(7)).
- c) General Fees.
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$300.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or

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- destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as dietitians or nutrition counselors in this State shall be the actual cost of producing the roster.

(Source: Added at 24 Ill. Reg. 511 b -2, effective 3/1/14)

Section 1245.310 Continuing Education

- a) Continuing Education Hours Requirements
 - 1) For the October 31, 1999 renewal, a licensee will be required to complete 15 hours of continuing education. Beginning with the October 31, 2001 renewal and every renewal thereafter, in order to renew a license a licensee shall be required to complete 30 hours of continuing education.
 - 2) A prerenewal period is the 24 months preceding October 31 of each odd-numbered year.
 - 3) One CE hour shall equal one clock hour. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 4) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour, 14 CE hours for each trimester hour and 10 CE hours for each quarter hour of school credit awarded.
 - 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 6) Dietitians and nutrition counselors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
 - 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- b) Approved Continuing Education
 - 1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who

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- meets the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3), (4) and (5) below.
- 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of dietetic or nutrition services related courses that are a part of the curriculum of a college or university.
 - 3) CE credit may be earned for verified teaching in a regionally accredited college, university or graduate school of dietetics approved in accordance with Section 1245.130 1249-139 or nutrition services approved in accordance with Section 1245.230 1249-239 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every clock hour taught and only for the first presentation of the program (i.e., a person shall not be allowed for repetition presentations). A person may earn up to 10 hours per renewal.
 - 4) CE credit may be earned for community education in the field of dietetics or nutrition services. A total of 6 hours of credit may be obtained during one renewal period.
 - 5) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with dietetics or nutrition services may be claimed as 5 hours of credit per renewal period. A presentation must be before an audience of dietitians or nutrition counselors. Five credit hours may be claimed for only the first time the information is published or presented.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean one of the following:
 - A) American Dietetic Association (ADA), branch associations, or organizations approved as sponsors of continuing education by the Commission on Dietetic Registration (CDR);
 - B) Certification Board of Nutrition Specialists (CBNS), branch associations, or organizations approved as sponsors of continuing education by the CBNS;
 - C) Regionally accredited colleges, universities;
 - D) A person, firm, association, corporation or any other group that applies pursuant to subsection (c)(2) below and has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses and programs.
 - 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the required fee as set forth in Section 1245.305 45-of-the-Aet. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application

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shall include:

- A) Certification:
 - i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
 - ii) That the sponsor shall be responsible for verifying attendance at each program and provide a certificate of attendance to the participant as set forth in subsection (c)(9) below;
 - iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this part and that this information is necessary to ensure compliance;
 - iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;
- B) A copy of a 3 hour sample program with faculty, course materials and syllabi.

3) All programs shall:

- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of dietetics or nutrition services;
- B) Foster the enhancement of general or specialized work in the practice of dietetics or nutrition services;
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
- D) Specify the course objectives, course content and teaching methods to be used; and
- E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.

4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the licensed sponsor and the sponsor's license number.

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The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

- 6) All programs given by approved sponsors shall be open to all dietitians and nutrition counselors and not be limited to members of a single organization or group.
- 7) To maintain approval as a sponsor, each sponsor shall submit to the Department by October 31 of each odd-numbered year a renewal application, the fee required in Section 1245.305 of the Act and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 9) The sponsor shall maintain attendance records for not less than 5 years.
- 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 11) Upon the failure of a sponsor to comply with any one of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with requirements of this Section.
- 12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
 - d) Certification of Compliance with CE Requirements
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of

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attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of the renewal applicant to retain or otherwise respond evidence of compliance.

- 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

e) Continuing Education Earned in Other Jurisdictions

- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to participating in the program.

- 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.

- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1245.303 45-45 of the Act.

g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a request for a waiver of the required fee and for the CE requirements. The request shall be made pursuant to Section 1245.305 45-45 of the Act. The Department shall set forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for the waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States

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of America during a substantial part of the prerenewal period.

- B) An incapacitating illness documented by a statement from a currently licensed physician;
- C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; and
- D) Any other similar extenuating circumstance.

- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 24 Ill. Reg. 518 effective
DEC 31 1999)

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- 1) Heading of the Part: Environmental Health Practitioner Licensing Act

- 2) Code Citation: 68 Ill. Adm. Code 1247

3) Section Numbers: Adopted Action:

1247.10 Repealed

1247.20 Amendment

1247.60 Amendment

1247.70 Amendment

1247.75 New Section

1247.90 Amendment

1247.100 Amendment

- 4) Statutory Authority: Environmental Health Practitioner Licensing Act [225 ILCS 37]

- 5) Effective Date of Amendments: December 31, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these Amendments contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Date Notice of Proposal Published in Illinois Register: October 1, 1999, at 23 Ill. Reg. 11824.

- 10) Has JCAR issued a Statement of Objection to these Amendments? No

- 11) Differences between proposal and final version: Section 1247.55, defining direct supervision, has been removed.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace emergency amendments currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this rulemaking adds Section 1247.75 to accomplish that change. Obsolete language has also been removed and clean-up changes made.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1247

ENVIRONMENTAL HEALTH PRACTITIONER LICENSING ACT

Section 1247.10 Application for License as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather) [Repealed]
 1247.20 Application for Examination/Licensure
 1247.30 Examination
 1247.40 Approved Programs of Environmental Health Practitioners
 1247.50 Experience
 1247.60 Endorsement
 1247.70 Renewal
 1247.75 Fees
 1247.80 Inactive Status
 1247.90 Restoration
 1247.100 Continuing Education
 1247.110 Granting Variances

Section 1247.20 Application for Examination/Licensure

Any person seeking licensure under Section 21(a) of the Environmental Health Practitioner Licensing Act [225 ILCS 37] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].
 SOURCE: Adopted at 20 Ill. Reg. 2400, effective January 29, 1996; amended at 21 Ill. Reg. 1603B, effective November 24, 1997; amended at 22 Ill. Reg. 15612, effective January 12, 1998; amended at 24 Ill. Reg. 537, effective [unclear] 12, 1998.

Section 1247.10 Application for licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather) [Repealed]

a) Any person seeking licensure under Section 21(a) of the Environmental Health Practitioner Licensing Act (the Act) shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. The application shall be postmarked no later than December 31, 1996, and shall include the following:

- 1) Certification by the applicant's employer that on June 30, 1995, the effective date of the amendatory Act, the applicant was serving as a sanitarian or environmental health practitioner in environmental health practice in the State of Illinois;
- 2) Proof of passage of the examination set forth in Section 1247.30;
- 3) A complete work history; and
- 4) The required fee set forth in Section 28 of the Act.

b) Any person seeking licensure without examination under Section 21(b) of the Act shall file an application with the Department on forms

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provided by the Department. The application shall be postmarked no later than December 31, 1996, and shall include the following:

- 1) Verification of current registration as a sanitarian or environmental health practitioner issued by the Registration Board of the Illinois Environmental Health Association or the National Environmental Health Association;
- 2) A complete work history; and
- 3) The required fee set forth in Section 28 of the Act.

(Source: [unclear] at 24 Ill. Reg. 537, effective [unclear] 12, 1998)

Section 1247.20 Application for Examination/Licensure

An applicant for examination to obtain licensure as an environmental health practitioner shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:

- a) Verification, on forms provided by the Department, that the applicant meets one of the following qualifications:
 - 1) Holds a bachelor's degree from an accredited college or university approved by the National Environmental Health Science and Protection Accreditation Council for environmental health curricula or its equivalent as approved by the Department in accordance with Section 1247.40 of this Part;
 - 2) Holds a bachelor's degree from an accredited college or university which included a minimum of 30 semester hours, or the equivalent, of basic sciences approved by the Department in accordance with Section 1247.50 of this Part; or
 - 3) Holds a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Department in accordance with Section 1247.40;
- b) A complete work history since receipt of a bachelor's degree;
- c) The required fee set forth in Section 1247.75 of the Act; and
- d) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and the jurisdiction in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

(Source: Amended at 24 Ill. Reg. 537, effective [unclear] 12, 1998)

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Section 1247.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another jurisdiction and who wishes to be licensed in Illinois as an environmental health practitioner shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Proof of Education and Experience
 - A) Certification of a bachelor's degree from an accredited college or university approved by the National Environmental Health Science and Protection Accreditation Council for environmental health curricula or its equivalent as approved by the Department in accordance with Section 1247.40 of this Act.
 - B) Certification of a bachelor's degree from an accredited college or university which included a minimum of 30 semester hours or the equivalent of basic sciences approved by the Department in accordance with Section 1247.40 and 12 months of full time experience as set forth in Section 1247.50; or
 - C) Certification of a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Department in accordance with Section 1247.40;
- 2) Certification of successful completion of the Professional Examination Service Environmental Health Proficiency Exam or its equivalent;
- 3) A complete work history;
- 4) The required fee set forth in Section 1247.75 28-of-the-Act; and
- 5) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure by endorsement shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appeal for an interview before the Environmental Health

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Section 1247.70 Renewal

- (Source: Amended at 24 Ill. Reg. 537.03, effective DEC 31 1999)
- a) Every first renewal period for licenses issued under the Act shall end April 30, 1999. Thereafter, every license issued under the Act shall expire on April 30 of even-numbered years. The holder of a license may renew the license during the month preceding the expiration date by paying the fee required by Section 1247.75, and satisfying the continuing education requirements set forth in Section 1247.100 28-of-the-Act.
 - b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
 - c) Continuing education will be required to renew a license on April 30, 2000, and every renewal thereafter.

(Source: Amended at 24 Ill. Reg. 537.03, effective DEC 31 1999)

Section 1247.75 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
 - 1) The fee for application for a license as an environmental health practitioner is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application as a continuing education sponsor is \$500. State colleges, universities, and State Agencies are exempt from payment of this fee.
- b) Renewal Fees.
 - 1) The fee for the renewal of a license shall be calculated at the rate of \$10 per year.
 - 2) The fee for renewal of continuing education sponsor approval is \$250.

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c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20. Plus payment of all lapsed renewal fees, not to exceed \$600.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license which has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20, plus any fee charged by the testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as environmental health practitioners in this State shall be the actual cost of producing the roster.

(Source: Added at 24 Ill. Reg. 507.003, effective 11/1/1994)

Section 1247.90 Restoration

- a) Any environmental health practitioner whose license expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1247.75 and providing proof of meeting continuing education requirements set forth in Section 1247.100 during the 2 years prior to restoration 28-06-the Act.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms provided by the Department, for review by the Board, together with the fee required by Section 1247.75 and providing proof of meeting continuing education requirements set forth in Section 1247.100 during the 2 years prior to restoration 28-06-the Act. The applicant shall also submit either:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee/registrant was authorized to practice during the term of active practice; or
- 2) An affidavit attesting to military service as provided in Section 27(c) of the Act; or
- 3) Proof of passage of the environmental health proficiency examination during the period the license was lapsed or on

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inactive status.

- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 27(c) of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant seeking restoration shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- e) Upon the recommendation of the Board and approval of the Director, an applicant shall have the registration restored or be notified in writing of the reason for denying the application.

(Source: Amended at 24 Ill. Reg. 507.003, effective 11/1/1994)

Section 1247.100 Continuing Education

- a) Continuing Education Hours Requirements
 - 1) Beginning with the April 30, 2000 renewal and every renewal thereafter, in order to renew a license as an environmental health practitioner, a licensee shall be required to complete 20 hours of continuing education (CE) relevant to the practice of environmental health.
 - 2) A prerenewal period is the 24 months preceding April 30 of each even-numbered year.
 - 3) One CE hour shall equal 60 minutes of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 5) Environmental health practitioners licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
 - 6) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- b) Approved Continuing Education
 - 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor meeting the

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- requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3), (4) and (5) below.
- 2) A maximum of 10 CE credits per prerenewal period may be earned for completion of a correspondence course that is offered by an approved sponsor meeting the requirements set forth in subsection (c) below. Each correspondence course shall include an examination.
- 3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of environmental health related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- 4) CE credit may be earned for verified teaching in the field of environmental health in an accredited college, university or graduate school and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 2 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitions presentations of the same program). A maximum of 10 hours of CE credit may be obtained in this category per prerenewal period.
- 5) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of environmental health. The preparation of each published paper, book chapter or professional presentation dealing with environmental health may be claimed as 5 hours of credit. A presentation must be before an audience of professionals. Five credit hours may be claimed for only the first time the information is published or presented.
- c) Approved CE Sponsors and Programs
- i) Sponsor, as used in this Section, shall mean:
 - A) American Association of Safety Engineers
 - B) American Public Health Association
 - C) American Society of Safety Engineers
 - D) Associated Illinois Milk, Food and Environmental Sanitarians
 - E) Association of Food and Drug Officials
 - F) Conference for Food Protection
 - G) Illinois Association of Environmental Health Administrators
 - H) Illinois Association of Ground Water Professionals
 - I) Illinois Association of Public Health Administrators
 - J) Illinois Environmental Health Association and Affiliates
 - K) Illinois Public Health Association
 - L) International Association of Milk, Food, and Environmental Sanitarians

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- M) Interstate Shellfish Shippers Conference
 - N) National Conference of Interstate Milk Shippers
 - O) Illinois Association of Environmental Health Administrators
 - P) National Environmental Health Association and Affiliates
 - Q) National Restaurant Association and Educational Foundation
 - R) National Sanitation Foundation International
 - S) North Central Association of Food and Drug Officials
 - T) Underwriters Laboratory
 - U) State and federal agencies
 - V) Any other accredited school, college or university, or any other person, firm, or association, applying pursuant to subsection (c)(2) below and has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.
- 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the a--\$500 application fee specified in Section 1247.75. ~~4State agencies--State-colleges--State-universities--and-county-and-local health-departments-in-Illinois-shall-be-exempt-from-paying--this fee--~~ The application shall include:
- A) Certification:
 - i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
 - ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
 - iii) That, upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
 - iv) ~~What--each-sponsor--shall--submit--to--the-Department~~ Written notice of program offerings, including program offerings of subcontractors, 30 days prior--to--course dates--Notice--shall--include--the--description--location--date-and-time-of-the-program-to-be-offered;
 - B) A copy of a sample program, including course materials, syllabi and a list of faculty.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in practice of environmental health;

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- B) Foster the enhancement of general or specialized practice and values of environmental health;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor to be completed by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor shall review together the evaluation outcome and revise subsequent programs accordingly.
 - 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
 - 6) All programs given by approved sponsors shall be open to all licensed environmental health practitioners and not be limited to members of a single organization or group.
 - 7) To maintain approval as a sponsor, each sponsor shall submit to the Department by April 30 of each even numbered year a renewal application, the fee specified in Section 1247.75 a-\$256-fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.
 - 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
 - 9) The sponsor shall maintain attendance records for not less than 5 years.

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- 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
 - 11) Upon the failure of a sponsor to comply with any of the requirements of this Section, the Department, after notice to the sponsor and hearing before the Board and recommendation by the Board (see 88 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.
 - 12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
 - 1) Full renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act (5 ILCS 100/10-65).
 - e) Continuing Education Earned in Other Jurisdictions
 - 1) If a licensee has earned or is seeking CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
 - f) Restoration of Nonrenewed License. Upon satisfactory evidence of

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compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1247.75 ~~§347-end-(5)-of-the-Act.~~

g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 1247.75 ~~§347-of-the-Act~~, a statement setting forth the facts concerning non-compliance and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 24 Ill. Reg. 504 effective
 1/1/00)

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Funeral Directors and Embalmers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 1250
- 3) Section Numbers: Adopted Action:
 1250.120 Amendment
 1250.135 Amendment
 1250.150 Amendment
 1250.160 Amendment
 1250.165 New Section
- 4) Statutory Authority: Funeral Directors and Embalmers Licensing Code (225 ILCS 41)
- 5) Effective Date of Amendments: December 31, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 8, 1999, at 23 Ill. Reg. 12267.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Several technical changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this rulemaking adds Section 1250.165 to accomplish that change. Obsolete provisions have also been removed, and various technical revisions have been made.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1250

FUNERAL DIRECTORS AND EMBALMERS LICENSING CODE

Section	Approved Programs of Mortuary Science
1250.110	
1250.120	Application for Traineeship
1250.130	Requirements for Traineeship
1250.135	Application for Licensure
1250.140	Examination
1250.150	Reciprocity
1250.155	Inactive Status
1250.160	Restoration
1250.165	Fees
1250.170	Requirements for a Preparation Room
1250.180	Required Activities (Repealed)
1250.190	Violations (Repealed)
1250.200	Renewals
1250.205	Advertising
1250.210	Granting Variances
1250.220	Continuing Education

AUTHORITY: Implementing the Funeral Directors and Embalmers Licensing Code [225 ILCS 41] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration of the Illinois Funeral Directors and Embalmers Act, effective March 19, 1975; amended at 4 Ill. Reg. 30, p. 1238, effective July 10, 1980; codified at 5 Ill. Reg. 11034; repealed and new rules adopted at 6 Ill. Reg. 4203, effective April 26, 1982; emergency amendment at 7 Ill. Reg. 7675, effective June 14, 1983, for a maximum of 150 days; emergency rule expired November 11, 1983; amended at 9 Ill. Reg. 4529, effective March 27, 1985; transferred from Chapter I, 68 Ill. Adm. Code 250 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1250 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2931; amended at 13 Ill. Reg. 14061, effective August 29, 1989; amended at 15 Ill. Reg. 8238, effective May 16, 1991; amended at 17 Ill. Reg. 19132, effective October 22, 1993; amended at 23 Ill. Reg. 2296, effective January 22, 1999; amended at 24 Ill. Reg. 550, effective July 1, 1999.

Section 1250.120 Application for Traineeship

- a) An applicant for a license as a funeral director and embalmer trainee shall file an application on forms supplied by the Department. The

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application shall include:

- 1) Either:
 - A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
 - B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.
 - 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches;
 - 3) Certification of acceptance, completed and signed by a licensed funeral director and embalmer whose license is active and in good standing, stating that the applicant will be studying and training under his/her supervision;
 - 4) A complete work history since completion of an approved program as set forth in Section 1250.110; and
 - 5) The required fee set forth in Section 1250.165 of this Part ~~45-65~~ **of the Code.**
- b) Upon receipt of the above documents and review of the application, the Department shall issue a funeral director and embalmer trainee license or notify the applicant, in writing, of the reason for the denial of the application.
- c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.
- d) Effective June 1, 1991, all qualified applicants will be issued a funeral director and embalmer trainee license.

(Source: Amended at 24 Ill. Reg. 55 0 effective 1/1/1994)

Section 1250.135 Application for License

- a) An applicant for a license as a funeral director and embalmer, pursuant to Section 10-10 of the Code, shall file an application on forms supplied by the Department. The application shall include the following:
 - 1) Certification of completion of traineeship signed by the licensed

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- funeral director and embalmer under whose supervision the traineeship was performed.
- 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches.
- 3) Verification of successful completion of the National Conference Examination, pursuant to Section 1250.140, to be forwarded by the National Conference directly to the Department.
- 4) A complete work history since completion of an approved program as set forth in Section 1250.110.
- 5) Applicants not having been issued Illinois funeral director and/or embalmer trainee licenses or who have been issued one which has been expired for more than 5 years shall submit the following:
 - A) Official transcripts showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
 - B) Certification of graduation with an associate's degree in mortuary science from an approved program of mortuary science or an equivalent associate's degree (i.e., applied science); or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.
- 6) The fee specified in Section 1250.165 ~~45-65-of-the-Code.~~ Upon receipt of the above documents and review of the application, the Department shall issue a license authorizing the applicant to engage in the practice of funeral directing and embalming or notify the applicant, in writing, of the reason for the denial of the application.
- c) Beginning June 1, 1991, the Department shall not issue any new licenses as funeral directors or any new licenses for embalmers.

(Source: Amended at 24 Ill. Reg. 55 0 effective 1/1/1994)

Section 1250.150 Reciprocity

- a) An applicant who is currently licensed as a funeral director and embalmer under the laws of another state or territory of the United States or of a foreign country or province shall file an application with the Department together with:
 - 1) Either:
 - A) An official transcript showing proof of successful

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- completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
- B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or
- C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science;
- 2) Affidavits stating that the applicant has been actively engaged in the practice of funeral directing and embalming for at least 1 year, completed by 2 persons with personal knowledge of such experience;
- 3) A certification by the state or territory of original and current licensure, stating:

- A) The time during which the applicant was licensed in that jurisdiction;
- B) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
- C) A brief description of the examination, the applicant's grades and a statement that the state grants reciprocity to funeral directors and embalmers licensed in Illinois;
- 4) A complete work history since completion of an approved program as set forth in Section 1250.110; and
- 5) The fee set forth in Section 1250.165 ~~45-65~~ 45-65-of-the-Code.
- b) The Department shall examine each reciprocity application to determine whether the requirements for licensure in the jurisdiction in which the applicant is licensed were at the date of application substantially equivalent to the requirements in force in this State. The Department shall either issue a license by reciprocity to the applicant or notify him/her, in writing, of the reasons for the denial of the application.

(Source: Amended at 24 Ill. Reg. 55 0 55 0 effective 1/1/1993)

Section 1250.160 Restoration

- a) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the following:

- 1) The restoration fee(s) specified in Section 1250.165. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in Section 1250.165. 45-65

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- of the Code---when restoring a license from inactive status--a person does not have to pay renewal fees to pay;--shall be required to submit proof of completion of the required number of continuing education (CE) hours for one pre-renewal period as specified in Section 1250.220 of this Part. Acceptable proof of attendance completion shall be in the form of certificates of attendance provided by approved sponsors of continuing education programs.
- b) In addition to satisfying the requirements of subsection (a) above, the licensee shall also submit either:

- 3) Either:
- A) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
- B) An affidavit attesting to military service as provided in Sections 5-15 and 10-35 of the Code. If application is made within 2 years of discharge, and if all other provisions of Sections 5-15 and 10-35 of the Code are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees; or
- C) Evidence of other education or experience acceptable to the Department of the licensee's fitness to have the license restored. Such evidence shall be reviewed on a case by case basis by the Board.
- b) A licensee seeking restoration of a license that has expired or been on inactive status for less than 5 years, or has been placed in nonrenewed status for failure to comply with CE requirements shall file an application on forms provided by the Department, together with the following:
- 1) The restoration fee(s) specified in Section 1250.165. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in Section 1250.165. 45-65 of the Code---when restoring a license from inactive status--a person does not have to pay renewal fees to pay;--
- 2) Any licensee restoring a license after June 1, 1993, shall be required to submit proof of completion of the required number of CE hours for one pre-renewal period as specified in Section 1250.220 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs.
- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- d) When the accuracy of any submitted documentation, or the relevance or

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sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of a license will be requested to:

- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Department, an applicant shall have the license restored.
- d.) Persons to whom a funeral director license and embalmer license were issued prior to June 1, 1991, shall be required to restore both licenses. Persons to whom a funeral director license was issued prior to June 1, 1991, will be allowed to restore that license.

(Source: Amended at 24 Ill. Reg. 55 () effective
11/1/1994)

Section 1250.165 Fees

The following fees shall be paid to the Department and are not refundable:

a.) Application Fees.

- 1) The fee for application for a license as a funeral director and embalmer is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- 2) The application fee for a license as a funeral director and embalmer certified or licensed under the laws of another jurisdiction is \$200.
- 3) The application fee for a license as a funeral director and embalmer trainee is \$50.

b.) Renewal Fees.

- 1) The fee for the renewal of a license as a funeral director and embalmer or a funeral director and embalmer trainee shall be calculated at the rate of \$50 per year.
- 2) The fee for the renewal of a license as a funeral director shall be calculated at the rate of \$25 per year.

c.) General Fees.

- 1) The fee for the restoration of a funeral director and embalmers license other than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$260.
- 2) The fee for the restoration of a funeral director license other

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than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$130.

- 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 4) The fee for a certification of a licensee's record for any purpose is \$20.
- 5) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20 plus any fee charge by the testing service.
- 6) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 7) The fee for a roster of persons licensed as funeral directors, funeral directors and embalmers, or funeral director and embalmer trainees in this State shall be the actual cost of producing the roster.

(Source: Added at 24 Ill. Reg. 55 () effective
11/1/1994)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3) Section Numbers:
 - 1150.60 Adopted Action:
 - Amendment
 - 1150.70 Amendment
 - 1150.75 New Section
 - 1150.100 Amendment
- 4) Statutory Authority: The Illinois Architecture Practice Act of 1989 (225 ILCS 305)
- 5) Effective Date of amendments: December 31, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 8, 1999, at 23 Ill. Reg. 12276.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Various technical change: were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Public Act 91-132, effective January 1, 2000, is the sunset reauthorization of the Illinois Architecture Practice Act of 1989. Among its changes was elimination of the statutory fee section of the Act, to be replaced with fees set by administrative rule; this rulemaking adds Section 1150.75 to accomplish that change. Various technical revisions have also been made.
- 16) Information and questions regarding this amended Part shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd floor
 Springfield, Illinois 62786
 217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1150

ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

- Section
1150.10 Education Requirements and Diversified Professional Training Requirements
- 1150.20 Category II - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)
- 1150.30 Application for Licensure by Examination
- 1150.40 Examination
- 1150.50 Approved Architecture Programs
- 1150.60 Licensure by Endorsement
- 1150.65 Inactive Status
- 1150.70 Restoration
- 1150.75 Fees
- 1150.80 Professional Design Firm
- 1150.85 Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act
- 1150.90 Standards of Professional Conduct
- 1150.95 Architecture Complaint Committee
- 1150.100 Renewals
- 1150.110 Granting Variances
- ILLUSTRATION A Architect Seal Requirements
- APPENDIX A Categories of Diversified Professional Training

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5928, effective April 24, 1997;

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amended at 22 Ill. Reg. 15374, effective August 10, 1998, amended at 24 Ill. Reg. 559, effective 06/31/2000.

Section 1150.60 Licensure by Endorsement

- a) An applicant who holds an active license or registration to practice architecture under the laws of another state or territory and who desires to become licensed by endorsement shall file an application with the Department together with:
- 1) Either:
 - A) Council Certification, issued by and forwarded directly to the Department by the NCARB; or
 - B) Other Proof of Qualifications and Licensure
 - i) Proof that the applicant has met requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by written examination in the other state or territory, including certification of education, and affidavits of training.
 - ii) A certification by the state or territory of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the date of issuance of the applicant's license and the current status of each license; the basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory; and the date of passage of any such examinations; and whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;
 - 2) The required fee as set forth in Section 1150.75 19-of-the-Act;
 - 3) A complete work history since graduation from an architecture program;
 - 4) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense, by the Education Evaluator Services for Architects (EESA). Applicants shall obtain the forms from the EESA, Educational Credential Evaluators, Inc., P.O. Box 17499, Milwaukee, WI 53217. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20; and
 - 5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In order to

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determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English.

- b) The Department shall examine each endorsement application to determine whether the requirements in the state or territory of origin or subsequent licensure were substantially equivalent to the requirements then in force in this State. The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of the application.

- c) The Department shall, in individual cases, upon recommendation of the Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the practice of architecture in another jurisdiction for a minimum of five years and has provided evidence demonstrating competence in the area(s) of examination being considered for waiver (i.e., architectural education, training and experience). If an applicant has previously failed to pass a part or parts of the examination, the applicant shall not be granted a waiver for the part or parts pursuant to this provision.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 24 Ill. Reg. 5 5 9 effective: 1/1/1994)

Section 1150.70 Restoration

- a) A licensee seeking restoration of a license which has expired for less than 3 ~~three~~(3) years shall have the license restored upon payment of \$20.00 plus the ~~an~~ lapsed renewal fee fees required by Section 1150.75 Sections-17-and-19-of-the-Act.

- b) A licensee seeking restoration of a license which has been placed on inactive status for less than 3 ~~three~~(3) years shall have the license restored upon payment of the current renewal fee as specified by Section 1150.75 Sections-17-and-19-of-the-Act.

- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 ~~three~~(3) years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1150.75 Sections-17-and-19-of-the-Act. The licensee shall also submit either:

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- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

- 2) An affidavit attesting to military service as provided in Section 16 of the Act; or

- 3) Other evidence of continued active practice of architecture for at least the last 3 ~~three~~(3) years. Other evidence shall include, but not be limited to:

- A) Employment in a responsible capacity under the direct supervision and control of a licensed architect; or
- B) Lawfully practicing architecture as an employee of a governmental agency; or
- C) Teaching architecture in a college or university program accredited by the NAAAB; or
- D) Attendance during the past 3 ~~three~~(3) years at educational programs conducted by an approved architecture program or a professional architectural association or similar program approved by the Department upon recommendation of the Board.

- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

(Source: Amended at 24 Ill. Reg. 5 5 9 effective: 1/1/1994)

Section 1150.75 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
 - 1) The fee for application for a license as an architect is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the

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examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department, or the designated testing service, shall result in the forfeiture of the examination fee.

- 2) The application fee for a certificate of registration as a professional design firm is \$75.

b) Renewal fees.

- 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
- 2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1150.100(c)).

c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20 plus any fee charge by the testing service.
- 5) The fee for a small certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as architects in this State shall be the actual cost of producing the roster.

(Source: added at 24 Ill. Reg. 55 6 7 effective 10/1/99)

Section 1150.100 Renewals

- a) Every license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the fee required by Section 1150.75 ~~19-of-the-Act.~~
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- c) Every license issued to a professional design firm ~~corporation-or partnership~~ under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for

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a two-year period during the month preceding the expiration date thereof by paying the fee specified in Section 1150.75 ~~19-of-the-Act.~~

d) Practicing or operating on a license which has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 22 of the Act.

(Source: amended at 24 Ill. Reg. 55 6 5, effective 10/1/99)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Illinois Physical Therapy Act

2) Code Citation: 68 Ill. Adm. Code 1340

3) Section Numbers: Adopted Action:
1340.30 Amendment
1340.50 Amendment
1340.57 New Section
1340.60 Amendment

4) Statutory Authority: The Illinois Physical Therapy Act [225 ILCS 90]

5) Effective Date of Amendments: December 31, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: October 1, 1999, at 23 Ill. Reg. 11836.

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this rulemaking adds Section 1340.57 to accomplish that change.

16) Information and questions regarding this amended Part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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NOTICE OF ADOPTED AMENDMENT(S)

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1340
ILLINOIS PHYSICAL THERAPY ACT

Section 1340.15	Application for Licensure Under Section 8.1 of the Act (Grandfather) (Repealed)
1340.20	Approved Curriculum
1340.30	Application for Licensure on the Basis of Examination
1340.40	Examination
1340.50	Endorsement
1340.55	Renewals
1340.57	Fees
1340.60	Restoration
1340.65	Unprofessional Conduct
1340.66	Advertising
1340.70	Granting Variances

AUTHORITY: Implementing the Illinois Physical Therapy Act [225 ILCS 90] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 6500, effective June 3, 1981; codified at 5 Ill. Reg. 11048; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 9 Ill. Reg. 1906, effective January 28, 1985; recodified from Chapter I, 68 Ill. Adm. Code 340 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1340 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2959; amended at 12 Ill. Reg. 8030, effective April 25, 1988; amended at 15 Ill. Reg. 5254, effective March 29, 1991; emergency amendment at 15 Ill. Reg. 11503, effective July 30, 1991, for a maximum of 150 days; emergency expired December 27, 1991; amended at 16 Ill. Reg. 3175, effective February 18, 1992; amended at 17 Ill. Reg. 14606 effective August 27, 1993; amended at 20 Ill. Reg. 10678, effective July 26, 1996; amended at 23 Ill. Reg. 11970, effective September 3, 1999; amended at 24 Ill. Reg. 3007, effective September 3, 1999.

Section 1340.30 Application for Licensure on the Basis of Examination

- a) An applicant for a physical therapist license by examination shall file an application on forms supplied by the Department. The application shall include:
 - 1) A complete work history indicating all employment since graduation from a physical therapy program;
 - 2) Certification of successful completion of a physical therapy

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program, signed by the Director of the Physical Therapy Program or other authorized university official and bearing the seal of the university, which meets the requirements set forth in Section 1340.20 of this Part;

- 3) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 and the Test of Spoken English (TSE) with a score of 50 for applicants who apply after January 1, 1996, who graduated from a physical therapy program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the physical therapy program from which the applicant graduated was taught in English; and
 - 4) The required fee specified in Section 1340.57 of this Part ~~and-#2-of-the-Act~~.
- b) An applicant for a physical therapist assistant license by examination shall file an application on forms supplied by the Department. The application shall include:
- 1) A complete work history indicating all employment since graduation from a physical therapist assistant program;
 - 2) Either:
 - A) Certification of graduation from a 2 year college-level physical therapist assistant program signed by the director of the Physical Therapy Program or other authorized school official and bearing the seal of the school which meets the requirements set forth in Section 1340.20 of this Part; or
 - B) Certification that the applicant is a full-time student in his/her final term of a 2 year college-level physical therapist assistant program with a curriculum that meets the requirements set forth in Section 1340.20 of this Part (certification of graduation shall be received by the Department prior to the applicant's being issued a license);
 - 3) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 and the Test of Spoken English (TSE) with a score of 50 for applicants who apply after January 1, 1996, who graduated from a physical therapy program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the physical therapy program from which the applicant graduated was taught in English; and
 - 4) The required fee specified in Section 1340.57 ~~and-#2-of-the-Act~~.
- c) If supporting documentation for the application is not in English, a certified translation must be included.
- d) A graduate of a physical therapy or physical therapist assistant program outside the United States or its territories shall have his/her degree validated, by a credentialing agency at the applicant's

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expense, as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States.

- e) An applicant shall have 60 days after approval of the application to take the examination. If the examination is not taken within those 60 days, the examination fee is forfeited and the applicant shall resubmit the required examination fee to Continental Testing Services, Inc. An applicant who fails to take the examination within 60 days shall forfeit his/her right to work as a physical therapist assistant until the examination is passed.

- f) If the applicant has ever been licensed/registered in another state or territory of the United States, he/she shall also submit a certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:

- 1) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license;

- 2) A description of the examination in that jurisdiction;

- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- g) An applicant for a license, who has successfully completed the examination recognized by the Department in another jurisdiction but who has not been licensed in that jurisdiction, shall file an application in accordance with subsection (a) or (b) above and have the examination scores submitted to the Department by the reporting entity.

- h) If the Department has questions or doubts with respect to the documentation or accuracy of any of the matters set forth in the application, the applicant will be required to appear before the Committee and/or provide such additional information as necessary.

- i) If the applicant has been determined eligible for licensure except for passing of the examination, the applicant shall be issued a letter of authorization which allows him/her to practice under supervision in accordance with Section 2 of the Act. Supervision shall constitute the presence of the licensed physical therapist on site to provide supervision. The applicant shall not begin practice as a physical therapist or physical therapist assistant, license pending, until the letter of authorization is received from the Department.

(Source: Amended at 24 Ill. Reg. 567, effective

July 1, 1998)

Section 1340.50 Endorsement

- a) An applicant who is currently licensed under the laws of another state or territory of the United States and who wishes to be licensed as a physical therapist or physical therapist assistant by endorsement,

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shall file an application with the Department, on forms provided by the Department, which shall include:

- 1) Certification, on forms provided by the Department, of successful completion of an approved physical therapy or physical therapist assistant program in accordance with Section 1340.20;

- 2) Certification from the state or territory of original licensure and the state in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains record of any disciplinary actions taken or pending, and the applicant's license number;

- 3) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 and the Test of Spoken English (TSE) with a score 50 for applicants who apply after January 1, 1996, who graduated from a physical therapy program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the physical therapy program from which the applicant graduated was taught in English. The Department may waive the TOEFL and TSE examination for individuals who are licensed and have been actively practicing in another jurisdiction for 3 years prior to the date of application for licensure in Illinois;

- 4) A report of the applicant's examination record forwarded directly from the test reporting service;

- 5) Complete work history since graduation from the physical therapy or physical therapist assistant program; and

- 6) The required fee specified in Section 1340.57 ~~32-of-the-Act~~.

- b) A graduate of a physical therapy or physical therapist assistant program outside the United States or its territories shall have his/her degree validated, by a credentialing agency at the applicant's expense, as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States.

- c) The Department shall examine each endorsement application to determine whether the requirements in the jurisdiction at the date of licensing were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act.

- d) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

- e) When an applicant for licensure by endorsement as a physical therapist or physical therapist assistant is notified in writing by the Department that the application is complete, the applicant may practice in Illinois for one year or until licensure has been granted or denied, whichever period of time is lesser, as provided in Section 2(4) of the Act.

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(Source: Amended at 24 Ill. Reg. 567, effective 1/1/1994)

Section 1340.57 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a license as a physical therapist or physical therapist assistant is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
- c) General Fees.
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$200.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as physical therapists or physical therapist assistants in this State shall be the actual cost of producing the roster.

(Source: Added at 24 Ill. Reg. 567, effective 1/1/1994)

Section 1340.60 Restoration

- a) A person applying for restoration of a license which has expired or been placed on inactive status for more than 5 years shall file an application with the Department along with the required fee and shall do one of the following:

- 1) Submit certification of current licensure from another state or territory completed by the appropriate state board, and show proof of current active practice; or
- 2) Submit an affidavit attesting to military service as provided in Section 15 of the Act. If application is made within 2 years of discharge, and if all other provisions of Section 15 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees; or
- 3) Pass the examination set forth in Section 1340.40; or
- 4) Submit evidence of recent attendance at educational programs in physical therapy, including attendance at college level courses, professionally oriented continuing education classes, special seminars, or any other similar program, or evidence of recent related work experience to show that the applicant has maintained competence in his/her field. The Department will accept:
 - A) For an applicant whose license has lapsed 5 to 10 years, 160 contact hours of clinical training under the supervision of a licensed physical therapist or 20 hours of continuing education relating to the clinical aspects of physical therapy or any combination thereof approved by the Committee.
 - B) For an applicant whose license has lapsed for 10 years or more, 320 contact hours of clinical training under the supervision of a licensed physical therapist or 40 hours of continuing education relating to the clinical aspects of physical therapy, or any combination thereof approved by the Committee.
- b) A person applying for restoration of a license that has expired for 5 years or less shall file an application with the Department and submit \$20 948 plus all lapsed renewal fees as specified in Section 1340.57 of the Act. If application is made within 2 years after discharge from military service, and if all other provisions of Section 15 of the Act are satisfied, the applicant will be required to pay only the current renewal fee.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Committee because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Committee to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts of information. Upon the recommendation of the Committee and approval by the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

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NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 24 Ill. Reg. 56 " , effective
11/1/91)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1270
- 3) Section Numbers:
1270.5 Amendment
1270.10 Amendment
1270.30 Amendment
1270.40 Amendment
1270.50 Amendment
1270.52 New Section
- 4) Statutory Authority: Illinois Professional Land Surveyor Act of 1989
[225 ILCS 330]
- 5) Effective Date of amendments: December 31, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 8, 1999,
at 23 Ill. Reg. 12284.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Various technical changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 91-132, effective January 1, 2000, is the sunset reauthorization of the Illinois Professional Land Surveyor Act of 1989. Among its changes was elimination of the statutory fee section of the Act, to be replaced with fees set by administrative rule; this rulemaking adds Section 1275.52 to accomplish that change. Various technical revisions have also been made.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62766
 217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section	
1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Professional Land Surveying Firm
1270.50	Renewals
1270.52	Fees
1270.55	Land Surveyor Complaint Committee
1270.60	Granting Variances
APPENDIX A	Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified and amended at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective April 3, 1996; amended at 21 Ill. Reg.

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14252, effective October 15, 1997; amended at 24 Ill. Reg. 576, effective 10/15/1998.

Section 1270.5 Application for Licensure as a Professional Land Surveyor-in-Training by Examination

- a) An applicant for licensure as a Professional Land Surveyor-in-Training under the Illinois Professional Land Surveyor Act of 1989 (the Act) [225 ILCS 320] shall file an application, on forms supplied by the Department of Professional Regulation (the Department), by November 15 for the spring examination and May 15 for the fall examination. The application shall include the following:

- 1) Certification of education completed by the educational institution attended and/or experience verified by the employer or one of the following:

- A) A baccalaureate degree in land surveying from an accredited college or university;
 B) A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15, including 24 semester hours of land surveying courses.⁷

- C) A baccalaureate degree in a related science as defined in Section 1270.15, from an accredited college or university and 2 years of approved land surveying experience as set forth in Section 1270.13; Maximum allowable experience under Section 1270.13(d)(2) shall be 8 months.

- D) An associate degree in land surveying technology from an accredited junior college and 3 years of approved land surveying experience as set forth in Section 1270.13; Maximum allowable experience under Section 1270.13(d)(2) shall be 12 months.

- E) An associate degree in engineering technology from an accredited junior college and 4 years of approved land surveying experience as set forth in Section 1270.13; Maximum allowable experience under Section 1270.13(d)(2) shall be 16 months.

- F) An associate degree in related science from an accredited junior college and 6 years of approved land surveying experience as set forth in Section 1270.13; Maximum allowable experience under Section 1270.13(d)(2) shall be 24 months or

- G) A high school diploma or GED and 8 years of approved land surveying experience as set forth in Section 1270.13; Maximum allowable experience under Section 1270.13(d)(2) shall be 32 months.

- 2) A complete work history indicating all employment since fulfillment of the educational requirements set forth in subsection (a)(1) above.

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- 3) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 B) A description of the examination in that jurisdiction; and
 C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- 4) The required fee specified in Section 1270.52 of this Part 21--of the Act.

- 5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.

- 6) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1686 #46, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in this Section and Section 1270.15.

- b) Beginning January 1, 1998, an applicant shall have a baccalaureate degree in land surveying from an accredited college or university, or a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution (Section 13 of the Act).

(Source: ~~24 Ill. Reg. 576~~, effective 10/15/1998, at 24 Ill. Reg. 576, effective 10/15/1998.)

Section 1270.10 Application for Licensure as a Professional Land Surveyor by Examination

An applicant for licensure as a Professional Land Surveyor shall file an application, on forms supplied by the Department by November 15 for the spring examination and May 15 for the fall examination. The application shall include the following:

- a) Educational and experience requirements.

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- 1) Applicants filing after January 1, 1986:
 - A) Shall have met one of the educational and experience requirements set forth in Section 1270.5;
 - B) Shall have been issued a license as a Professional Land Surveyor-in-Training; and
 - C) Shall have completed at least 4 years of experience in land surveying approved in accordance with Section 1270.13(a), (b), (c) and (d)(1). Such experience shall be subsequent to passage of the Fundamentals of Land Surveying examination.
- 2) Applicants who have obtained 4 years of experience or more in the practice of land surveying prior to January 1, 1982:
 - A) Shall have met one of the educational and experience requirements set forth in Section 1270.5(a)(1); and
 - B) Shall have completed at least 4 years of approved experience in land surveying as set forth in Section 1270.13(a), (b), (c) and (d)(1). Applicants shall be permitted to continue acquiring experience without being issued a Professional Land Surveyor-in-Training license.
- b) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) Verification of experience form, completed by the employer, indicating the required 4 years of approved experience in land surveying as set forth in Section 1270.13(a), (b), (c) and (d)(1).
- d) A complete work history indicating all employment since fulfillment of the educational requirements set forth in Section 1270.5.
- e) The required fee specified in Section 1270.52 ~~21-of-the-Act~~.
- f) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.
- g) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1686 1646, Clensson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the

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Department to determine if the education meets the requirements set forth in this Section and Section 1270.15.

(Source: Amended at 24 Ill. Reg. 576 . 3, effective
DEC 31 1990)

Section 1270.30 Endorsement

- a) An applicant who is licensed or registered to practice Land Surveying as a Professional Land Surveyor or a Professional Land Surveyor-in-Training under the laws of another state or territory of the United States who desires to become licensed by endorsement shall file an application with the Department together with:
 - 1) Proof that the applicant has met the requirements substantially equivalent to those in force in this state for a Licensed Professional Land Surveyor at the time of original or subsequent licensure by examination in the other state or territory, including certification of education, and verification of experience as appropriate;
 - 2) A certification by the state or territory of original licensure and certification from the state or territory of predominant active practice, including the following:
 - A) The time during which the applicant was licensed in that state or territory, including the date of the original issuance of the license;
 - B) The basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and
 - C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;
 - 3) A complete work history indicating all employment since fulfillment of educational requirements;
 - 4) The required fee specified in Section 1270.52 ~~21-of-the-Act~~;
 - 5) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1686 1646, Clensson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in this Section and Section 1270.15;
 - 6) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its

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territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.

- b) An applicant for licensure under this Section shall be required to appear before the Land Surveyor Examining Board (the Board) for an oral interview if the Department has questions about the applicant's application, because of discrepancies or conflicts in information, information needing further clarification and/or missing information.
- c) Applicants for licensure on the basis of endorsement shall successfully complete the Illinois Jurisdictional Examination as set forth in Section 1270.20.
- d) The Department shall examine each endorsement application to determine whether the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in force in the State of Illinois. The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of such application.

(Source: Amended at 24 Ill. Reg. 576 effective 1/1/84)

Section 1270.40 Restoration

- a) A licensee seeking restoration of a his license which has expired for less than 5 five--(5) years shall have the his license restored upon payment of \$20 ~~20~~ plus all lapsed renewal fees specified by Section 1270.52 ~~21-of-the-Act~~.

- b) A licensee seeking restoration of a his license which has been placed on inactive status for less than 5 five--(5) years shall have his license restored upon payment of the current renewal fee specified by Section 1270.52 ~~18-and-21-of-the-Act~~.

- c) A licensee seeking restoration of a his license after it has expired or been placed on inactive status for more than 5 five--(5) years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee specified by Section 1270.52 ~~18-and-21-of-the-Act~~. The licensee shall also submit either:

- 1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the jurisdiction that the licensee was authorized to practice during the term of said active practice;
- 2) An affidavit attesting to military service as provided in Section 16 of the Act; or
- 3) Proof of passing of the Illinois Jurisdictional Examination and/or the NCES examination within one year after of application; or

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- 4) Other evidence of continued competence in land surveying. Other evidence shall include, but not be limited to:
 - A) Employment in a responsible capacity by a licensed land surveyor as determined by the Board;
 - B) Lawfully practicing land surveying as an employee of a governmental agency;
 - C) Teaching land surveying in a college or university; or
 - D) Attendance at educational programs in land surveying.

- d) Any person restoring a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.
- ea) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, or missing information, the licensee seeking restoration of his license shall be required to:
 - 1) Provide such information as shall be necessary; and/or
 - 2) Explain such relevance or sufficiency during an oral interview; or

- 3) Appear for an oral interview before the Land Surveyors Examining Board (the "Board"), when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board and approval by the Director, an applicant shall have his license restored or shall be notified in writing of the reason for the denial of such application for restoration.

(Source: Amended at 24 Ill. Reg. 576 effective 1/1/84)

Section 1270.50 Renewals

- a) Every license as a Professional Land Surveyor issued under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 ~~21-of-the-Act~~.

- b) It is the responsibility of each licensee to notify the Department in writing of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.

- c) A license for a Land Surveyor-in-Training is valid for 10 years and may not be renewed (Section 18 of the Act)

- d) Every license issued to a professional design firm ~~corporation-or-partnership~~ under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for a 2 two-year period during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 ~~21-of-the-Act~~.

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- e) Practicing or offering to practice on a license which has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 27 of the Act.

(Source: Amended at 24 Ill. Reg. 576, effective 1/1/84)

Section 1270.52 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

- 1) The fee for application for a license as a professional land surveyor is \$150. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- 2) The application fee for a license as a land surveyor-in-training is \$70.
- 3) The application fee for a certificate of registration as a professional design firm is \$75.

b) Renewal Fees.

- 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
- 2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1270.50(d)).

c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20, plus any fee charge by the testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as a land

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- surveyor-in-training or professional land surveyor in this State shall be the actual cost of producing the roster.

(Source: Added at 24 Ill. Reg. 576, effective 1/1/84)

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- 1) Heading of the Part: Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3) Section Numbers: Adopted Action:
 1240.10 Amendment
 1240.15 Amendment
 1240.16 Amendment
 1240.40 Amendment
 1240.50 Amendment
 1240.55 Amendment
 1240.60 Amendment
 1240.100 Repealed
 1240.110 Amendment
 1240.130 Amendment
 1240.170 Amendment
 1240.180 Amendment
 1240.190 Amendment
 1240.200 Amendment
 1240.205 New Section

- 4) Statutory Authority: Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 [225 ILCS 446]

- 5) Effective Date of Amendments: December 31, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Date Notice of Proposal Published in Illinois Register: October 1, 1999, at 23 Ill. Reg. 11847.

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect?
 No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this rulemaking adds Section 1240.205 to accomplish that change.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240

PRIVATE DETECTIVE, PRIVATE ALARM,
PRIVATE SECURITY, AND LOCKSMITH ACT OF 1993

SUBPART A: PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY

Section
1240.5 Licensure Under Section 6 of the Act (Repealed)
1240.7 Exemptions Under Section 30 of the Act
1240.10 Application for Examination and Licensure - Private Detective and Private Security Contractor
1240.15 Application for Examination and Licensure - Private Alarm Contractor
1240.16 Registration of Proprietary Security Force
1240.20 20-Hour Basic Training Course - General
1240.25 20-Hour Basic Training Course - Security Guards and Alarm Runners
1240.30 Firearm Training Course
1240.35 Approval of Training Programs and Instructors
1240.40 Permanent Employee Registration Cards
1240.41 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information
1240.45 Firearm Authorizing Cards
1240.46 Recordkeeping Requirements
1240.47 Reporting Requirements
1240.48 Uniforms
1240.50 Renewals
1240.51 Requests for Duplicate Certificates (Renumbered)
1240.55 Endorsement
1240.56 Restoration
1240.60 Conduct of Hearings (Renumbered)
1240.65 Investigation by the Department (Renumbered)
1240.70 Granting Variances (Renumbered)

SUBPART B: LOCKSMITH

Section
1240.100 Application for Licensure without Examination - Grandfather (Repealed)
1240.110 Application for Examination and Licensure - Locksmith
1240.120 20 Hour Basic Training Course - Locksmith
1240.130 Permanent Employee Registration Cards
1240.140 Refusal to Issue Employee Registration Card
1240.150 Recordkeeping Requirements
1240.160 Reporting Requirements
1240.170 Renewals

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1240.180 Endorsement
1240.190 Restoration

SUBPART C: GENERAL

Section
1240.200 Requests for Duplicate Certificates
1240.205 Fees
1240.210 Conduct of Hearings
1240.220 Investigation by the Department
1240.230 Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (225 ILCS 446) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, P. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7446, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993; amended at 19 Ill. Reg. 954, effective January 17, 1995; amended at 19 Ill. Reg. 11473, effective July 28, 1995; emergency amendment at 19 Ill. Reg. 13460, effective September 8, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3191, effective February 2, 1996; emergency amendment at 20 Ill. Reg. 14924, effective October 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3135, effective March 4, 1997; amended at 24 Ill. Reg. 587, effective 3/1/1999.

SUBPART A: PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY

Section 1240.10 Application for Examination and Licensure - Private Detective and Private Security Contractor

- a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 75(a)(7) of the Act. To determine such fulfillment, the

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following standards shall be applied:

- 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
- 2) "Full-time supervisor in a law enforcement agency" shall mean a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.
- 3) "Investigator in a law enforcement agency" shall mean a sworn peace officer who serves in the capacity of a full time detective/investigator or above rank.
- c) The passing grade on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application must be complete and must be accompanied by:

- 1) Either:
 - A) Verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1240.205 of this Part #57d1137-of-the Act; or

B2) Verification, on forms provided by the Department, of full-time employment as a police officer, in lieu of fingerprints. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers;

- 23) 2 photographs 1" x 1", taken within the 3 months preceding application;
- 34) Proof of at least \$1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
- 45) The required fees ~~fee(s)~~ specified in Section 1240.205 ~~45-of-the~~ Act.

- e) A successful examination score shall be valid for 6 years. After 6

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years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

(Source: Amended at 24 Ill. Reg. 587, effective ~~10-31-1994~~)

Section 1240.15 Application for Examination and Licensure - Private Alarm Contractor

- a) An individual seeking licensure by examination as a private alarm contractor shall make application to the Department, on forms provided by the Department, at least 60 days prior to the examination.

The application shall include proof acceptable to the Department that the applicant has fulfilled the required experience specified in Section 70(c) of the Act. To determine such fulfillment, the following standards shall be applied:

- 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
- 2) Applicants qualified to sit for the examination pursuant to Section 75(c) of the Act shall have private alarm experience which shall include, but not be limited to:

- A) Private alarm contractor experience as defined in Section 5 of the Act gained while licensed or lawfully practicing in another jurisdiction with substantially equivalent licensure requirements as in effect in Illinois for 3 of the last 5 years; or
- B) A minimum of 3 years experience out of the 5 years immediately preceding application as full-time manager or administrator for an agency licensed as a private alarm contractor agency, or for an entity that designs, sells, installs, services or monitors alarm systems which in the judgment of the Board satisfies standards of alarm industry competence. (Section 75(c)(8))

b) The passing score on the examination is 70 or above.

- c) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application shall include:

- 1) Either:

- A) Verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued

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by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1240.205 ~~105(d)(1)-(3) of the Act~~; or

B) Verification, on forms provided by the Department, of full-time employment as a peace officer in lieu of fingerprints. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers;

23) 2 photographs 1" x 1" taken within the 3 months preceding application;

34) Proof of at least \$1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

45) The required fees ~~fees~~ specified in Section 1240.205 ~~105-of-the-Act~~.

(Source: Amended at 24 Ill. Reg. 587, effective 10/31/1994)

Section 1240.16 Registration of Proprietary Security Force

a) Pursuant to Section 24-2 of the Criminal Code of 1961, all commercial or industrial operations who employ 5 or more persons as armed security guards in accordance with subsection (a) paragraph (6) and all financial institutions who employ armed security guards in accordance with subsection (a) paragraph (8) shall register their security forces with the Department, on forms provided by the Department, which include the following:

- 1) Business name and address of the proprietary security force;
- 2) Any doing business as (d/b/a) names of the proprietary security force;
- 3) The type of business (sole proprietorship, partnership, corporation);
- 4) If a partnership, a listing of all partners and addresses;
- 5) If a corporation, a copy of Articles of Incorporation. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois;
- 6) The number of armed employees; and
- 7) The name and title of the security director who will be registering armed employees and who is responsible for the daily

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activities of the force.

b) All armed security guard employees of the registered proprietary force in subsection (a) above shall be required to complete a 20 hour basic training course in accordance with Section 1240.25 and a 20-hour firearm training course in accordance with Section 1240.30.

c) Each proprietary force shall be required to apply to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card, in accordance with Section 1240.45(b) and (c), for each armed employee of the security force. Each application shall include:

1) Either:

A) Verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1240.205 ~~105(d)(1)-(3) of the Act~~--or--
 If the employee has State state and federal fingerprints on file with the Department, additional fingerprints are not required; or

B) Verification, on forms, provided by the Department, of full-time employment as a peace officer in lieu of the fingerprint cards. Such verification shall be signed by his/her employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws and individuals holding a Class I or Class II Occupational License issued by the Illinois Gaming Board shall be considered peace officers;

2) Verification that the employee has completed the training required in subsection (b) above. If the employee's firearm training was completed more than two years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request; and

3) The fee required in Section 1240.205 ~~105(d)(1)-(3) of the Act~~.

d) The firearm authorization card shall be retained by the employee for

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the term of employment. Upon termination of employment, the card shall be returned to the Department by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Department in writing why the card was not returned.

- e) No employee shall carry a firearm until the requirements of this Section have been satisfied.
- f) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm authorization card for each force which issues him/her a weapon.
- g) The Department may conduct an inspection to verify the information on the application prior to the proprietary security force being registered with the Department.
- h) All armored car companies registered as proprietary security forces pursuant to this Section shall have all employees who are required to carry a firearm authorization card to complete classroom and range training in weapons on an annual basis and shall maintain a current criminal background check in each employee's file as well as a training certificate. The armored car company shall make these documents available to the Department upon request.

(Source: Amended at 24 Ill. Reg. 587, effective 11/1/1994.)

Section 1240.40 Permanent Employee Registration Cards

- a) Any person seeking employee registration under Section 80 of the Act shall file an application with the Department, on forms provided by the Department, along with the following:

1) Either:

A) Verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1240.205 ~~485(4)(13)-of-the-Act~~; or

B) Verification, on forms provided by the Department, of full-time employment as a peace officer in lieu of fingerprints. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all

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offenses or is limited to specific offenses and has satisfied the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers;

23) One 1" x 1" photograph taken within the 3 months preceding application; and

34) The required registration fee specified in Section 1240.205 ~~495 of-the-Act~~, made payable to the Department of Professional Regulation.

- b) The application, verification of fingerprint processing and the registration fee shall be submitted to the Department prior to the applicant being scheduled to work.
- c) If no record is found affecting the prints, the Department shall issue, to the applicant, a permanent employee registration card, which shall be valid for the period specified on the face of the card, and shall be renewable upon the conditions set forth in Section 1240.50 of this Part.
- d) The employee registration card shall serve as proof to an employer that the bearer thereof is eligible for employment.
- e) Persons who have no access to confidential or security information and who do not provide security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of users, ticket takers, elevator operators and reception personnel who have no access to confidential or security information. Confidential or security information is that which pertains to employee files, scheduling contracts or technical data.

(Source: Amended at 24 Ill. Reg. 587, effective 11/1/1994.)

Section 1240.50 Renewals

- a) Beginning with the May 1990 renewal, every individual license issued under the Act shall expire on May 31 every 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 1240.205 ~~495-of-the-Act~~ and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer.
- b) Beginning with the May 1990 renewal, every certificate of registration for an agency and every branch office and proprietary security force certificate issued under the Act shall expire on August 31 every 3 years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.
- c) Beginning with the May 1991 renewal, every employee registration card

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issued under the Act shall expire on May 31 every 3 years. The holder of the card may renew such card during the month preceding the expiration date by submitting the required fee to the Department.

- d) It is the responsibility of each licensee and employee registration card holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 130 of the Act.
- e) Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:
 - 1) The employee has been requalified on the firing range within one year preceding the renewal date; and
 - 2) The employee continues to be employed by the agency to which the card was issued.
- f) No employer shall, after the expiration of a firearm authorization card, employ the holder thereof in an armed capacity.

(Source: Amended at 24 Ill. Reg. 587, effective
JUL 31 1999)

Section 1240.55 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Department together with:

- 1) A certification from the licensing authority of the jurisdiction stating:
 - A) The time during which the applicant was licensed in that jurisdiction;
 - B) Whether the file on the applicant contains a record of any disciplinary action taken or pending;
 - C) A brief description of the examination taken and the grades received; and
 - D) That the jurisdiction has substantially equal rules of endorsement [225 ILCS 445/19]; and
 - 2) A completed Education Certification Form, a completed Verification of Qualifying Experience Form or a completed Work History Form detailing the education and/or experience required by Section 75 of the Act; and
 - 3) The required fee specified in Section 1240.20345-of-the-Act.
- b) If the Department questions the documentation provided by the applicant because of discrepancies or conflicts in information, or missing information, or if the Department needs further information to determine substantial equivalence of the applicant's qualifications for licensure, the applicant will be requested to submit further information as the Department deems necessary to make such determination.

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(Source: Amended at 24 Ill. Reg. 587, effective
JUL 31 1999)

Section 1240.60 Restoration

A licensee seeking restoration of a license issued after January 5, 1984, shall file an application on forms provided by the Department and shall also submit the following:

- a) If the license has expired for less than 6 years, the application must be accompanied by the required fees specified in Section 1240.20545(d)(7)-of-the-Act, or an affidavit attesting to military service as provided in Section 1240.20545(e)-of-the-Act.
- b) If the license has expired for more than 6 years, the application must be accompanied by a request to be scheduled for the next available examination, a fee covering the cost of the examination and the required restoration fee specified in Section 1240.20545(d)(7)-of-the-Act.

(Source: Amended at 24 Ill. Reg. 587, effective
JUL 31 1999)

SUBPART B: LOCKSMITH

Section 1240.100 Application for Licensure without Examination - Grandfather (Repealed)

- a) An individual seeking licensure without examination-as-a-locksmith shall make application to the Department on forms provided-by-the-Department-by-January-1-1998--the-application-shall-include:
 - 1) Three affidavits signed-by-an-employer-or-by-colleagues-if-the-applicant-was-self-employed-indicating-that-the-applicant-was actively-engaged-as-a-locksmith-or-as-a-supervisory-manager-or administrator-of-a-locksmith-business-for-3-years-out-of-the-5-years-immediately-preceding-January-1-1996--to-determine-such fulfillment-the-following-standards-shall-be-applied:
 - A) The-term-"year"-shall-be-12-months-with-an-average-of-at-least-20-work-days-per-month-during-which-the-applicant-was engaged-in-full-time-employment-equal-to-1500-hours-or-more annually;
 - B) The-practice-of-locksmithing-includes-but-is-not-limited-to--the-servicing--installing--originating--first-key--re-coding--manipulation-or--bypassing-of-mechanical-or electronic-locking-devices-at--premises--vehicles--safes--vaults--safe-deposit-boxes--or-automatic-teller-machines--Section-5-of-the-Act)

- 2) Either:
 - A) Verification-of-fingerprint-processing-from-the-Illinois Department--of--State-Police-or-its-designated-agent

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Effective October 1, 1995, applicants shall contact the Illinois Department of State Police or its designated agent for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 150(d)(3) of the Act; or

B) Verification, on forms provided by the Department, of full-time employment as a peace officer in lieu of fingerprint cards. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers or agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

3) 2 photographs 1" x 1" taken within the 3 months preceding application;

4) Proof of at least \$1 million of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

5) The required fees specified in Section 195 of the Act;

(Source: Repealed at 24 Ill. Reg. 58, effective 1/1/1995)

Section 1240.110 Application for Examination and Licensure - Locksmith

a) An individual seeking licensure by examination as a locksmith shall make application to the Department, on forms provided by the Department, at least 60 days prior to the examination. The application form shall include questions necessary for the Department to establish that the applicant meets the qualifications for licensure specified in Section 75(d) of the Act.

b) The passing score on the examination is 70 or above.

c) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application shall include:

1) Either:

A) Verification of fingerprint processing from the Illinois Department of State Police or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police or its designated agent

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for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1240.205 465(d)(3) of the Act; or

B) Verification, on forms provided by the Department, of full-time employment as a peace officer in lieu of fingerprint cards. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers or agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

2) 2 photographs 1" x 1" taken within the 3 months preceding application;

3) Proof of at least \$1 million of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

4) The required fees specified in Section 1240.205 465 of the Act.

(Source: Amended at 24 Ill. Reg. 58, effective 1/1/1995)

Section 1240.130 Permanent Employee Registration Cards

a) Any person seeking employee registration under Section 80 of the Act shall file an application with the Department, on forms provided by the Department, along with the following:

1) Either:

A) Verification of fingerprint processing from the Illinois Department of State Police or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police or its designated agent for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1240.205 465(d)(3) of the Act; or

B) Verification, on forms provided by the Department, of

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- full-time employment as a peace officer in lieu of fingerprints. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses and has satisfied the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers;
- 2) One 1" x 1" photograph taken within the 3 months preceding application; and
- 3) The required registration fee specified in Section 1240.205 of the Act, made payable to the Department of Professional Regulation.

- b) The application, verification of fingerprint processing and the registration fee shall be submitted to the Department prior to the applicant being scheduled to work.

- c) If no record is found affecting the prints, the Department shall issue to the applicant a permanent employee registration card, which shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.50 of this Part.

- d) The employee registration card shall serve as proof to an employer that the bearer thereof is eligible for employment.

- e) Persons who have no access to confidential or security information and who do not provide locksmith services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel who have no access to confidential or security information. Confidential or security information is that which pertains to employee files, key records, customer access codes or combinations or technical data.

(Source: Amended at 24 Ill. Reg. 587, effective 1/1/1999)

Section 1240.170 Renewals

- a) Beginning with the May 1999 renewal, every individual license issued under the Act shall expire on May 31 every 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 1240.205 of the Act and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer.
- b) Beginning with the May 1999 renewal, every certificate of registration

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for an agency and every branch office issued under the Act shall expire on August 31 every 3 years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.

- c) Beginning with the May 2000 renewal, every employee registration card issued under the Act shall expire on May 31 every 3 years. The holder of the card may renew such card during the month preceding the expiration date by submitting the required fee to the Department.

- d) It is the responsibility of each licensee and employee registration card holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 130 of the Act.

(Source: Amended at 24 Ill. Reg. 587, effective 1/1/1999)

Section 1240.180 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Department together with:
- 1) A certification from the licensing authority of the jurisdiction stating:
 - A) the time during which the applicant was licensed in that jurisdiction;
 - B) Whether the file on the applicant contains a record of any disciplinary action taken or pending;
 - C) A brief description of the examination taken and the grades received; and
 - D) That the jurisdiction has substantially equal rules of endorsement (see Section 100 of the Act); and
 - 2) The required fee specified in Section 1240.205 of the Act.

- b) If the Department questions the documentation provided by the applicant because of discrepancies or conflicts in information, or missing information, or if the Department needs further information to determine substantial equivalence of the applicant's qualifications for licensure, the applicant will be requested to submit further information as the Department deems necessary to make such determination.

(Source: Amended at 24 Ill. Reg. 587, effective 1/1/1999)

Section 1240.190 Restoration

- A licensee seeking restoration of a license shall file an application on forms

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provided by the Department and shall also submit the following:

- a) If the license has expired for 6 years or less, the application must be accompanied by the required fees specified in Section 1240.205 ~~195(d)(1)-(7) of the Act~~ or an affidavit attesting to military service as provided in Section 1240.205 ~~195(e)-(7) of the Act~~.
- b) If the license has expired for more than 6 years, the application must be accompanied by a request to be scheduled for the next available examination, a fee covering the cost of the examination and the required restoration fee specified in Section 1240.205 ~~195(d)(7)-(8) of the Act~~.

(Source: Amended at 24 Ill. Reg. 507, effective 3/1/1999)

SUBPART C: GENERAL

Section 1240.200 Requests for Duplicate Certificates

- a) Requests for duplicate certificates to replace ones that have been lost, stolen or destroyed shall be made in writing to the Department and shall be made by the individuals to whom the certificates were issued.
- b) Any person requesting a duplicate firearm authorization card shall first file a report with the local police authority that specifies the circumstances under which the firearm authorization card was lost, stolen or destroyed.
- c) Requests for a duplicate firearm authorization card shall be accompanied by an affidavit from the person making the request, specifying the date and with what police authority the above-mentioned police report was filed, and summarizing the circumstances under which the firearm authorization card was lost, stolen or destroyed. The fee, as required by Section 1240.205 ~~195--of the Act~~, shall also accompany the request.
- d) For purposes of this Section, the word "certificates" shall mean and include the following:
 - 1) Individual licenses (Private Detective, Private Security Contractor and Private Alarm Contractor and Locksmith)
 - 2) Certificates of Registration for an agency
 - 3) Licensee Pocket Cards
 - 4) Permanent Employee Registration Cards
 - 5) Certification of Completion of Firearm Training
 - 6) Firearm Authorization Card.

(Source: Amended at 24 Ill. Reg. 508, effective 3/1/1999)

Section 1240.205 Fees

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The following fees shall be paid to the Department and are not refundable:

- a) Application Fees
 - 1) The fee for application for a license as a private detective, security contractor, alarm contractor, or locksmith is \$500. In addition, applicants for an examination shall be required to pay, either, to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application for an agency certificate is \$500.
 - 3) The fee for application for a branch office certificate is \$200.
 - 4) The fee for issuance of a permanent employee registration card is \$55.
 - 5) The fee for issuance of a firearm authorization card is \$55.
 - 6) The fee for issuance of an armed proprietary security force registration is \$20.
- b) Renewal Fees
 - 1) The fee for the renewal of a license shall be calculated at the rate of \$150 per year.
 - 2) The fee for the renewal of an agency certificate is \$450 for the renewal period (see Section 1240.50(b)).
 - 3) The fee for the renewal of a branch office certificate is \$200 for the renewal period (see Section 1240.50(b)).
 - 4) The fee for the renewal of a permanent employee registration card is \$45 for the renewal period (see Section 1240.50(c)).
 - 5) The fee for the renewal of a firearm authorization card is \$45 for the renewal period (see Section 1240.50(c)).
 - 6) The fee for the renewal of an armed proprietary security force registration is \$20 for the renewal period (see Section 1240.50(b)).
- c) General Fees
 - 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees; the fee for restoration from inactive status is the current renewal fee.
 - 2) The fee for the issuance of a duplicate/replacement license, agency certificate of registration, permanent employee registration card, certification of completion of 20 Hour Basic Training, Certification of Firearm Training, firearm authorization card, or a certificate issued for a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for reissuance of a firearm authorization card to an agency that has changed its name is \$10.
 - 4) The fee for processing a fingerprint card by the State Police is

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the cost of processing, which shall be made payable to the State Police Services Fund and shall be remitted to the State Police for deposit into the Fund.

- 5) The fee for a certification of a licensee's record for any purpose is \$20.
- 6) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20, plus any fee charged by the testing service.
- 7) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 8) The fee for a roster of licensees or registrants shall be the actual cost of producing the roster.

(Source: Added at 24 Ill. Reg. 587, effective 11/1/99)

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- 1) Heading of the Part: Respiratory Care Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1456

Section Numbers: Adopted Action:

- | | |
|----------|-----------|
| 1456.05 | Repealed |
| 1456.30 | Amendment |
| 1456.40 | Amendment |
| 1456.60 | New |
| 1456.75 | Amendment |
| 1456.90 | Amendment |
| 1456.110 | Amendment |

- 4) Statutory Authority: Respiratory Care Practice Act [225 ILCS 106]

- 5) Effective Date of amendments: December 31, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Date Notice of Proposal Published in Illinois Register: October 8, 1999, at 23 Ill. Reg. 12382.

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Differences between proposal and final version: Several technical changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this rulemaking adds Section 1456.75 to accomplish that change. The requirement that continuing education sponsors submit programs 30 days prior to the course date has been deleted in Section 1456.110. Obsolete provisions have also been removed and various technical revisions were made.

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- 16) Information and questions regarding this adopted Part shall be directed to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

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- TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1456

RESPIRATORY CARE PRACTICE ACT

Section	Application for Licensure as a Respiratory Care Practitioner Under Section 50(b) of the Act (Grandfather) (Repealed)
1456.05	Definitions
1456.10	Approved Respiratory Care Training Program
1456.20	Application for Licensure on the Basis of Examination
1456.30	Application for Licensure for Graduates from a Nonapproved Program
1456.40	Examination
1456.50	Endorsement
1456.60	Renewals
1456.70	Fees
1456.75	Inactive Status
1456.80	Restoration
1456.90	Unprofessional Conduct
1456.100	Continuing Education
1456.110	Granting Variances
1456.120	

AUTHORITY: Implementing the Respiratory Care Practice Act (225 ILCS 106) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rule at 21 Ill. Reg. 3730, effective March 11, 1997, for a maximum of 150 days; emergency expired August 7, 1997; adopted at 21 Ill. Reg. 11751, effective August 11, 1997; amended at 22 Ill. Reg. 16508, effective September 3, 1998; amended at 24 Ill. Reg. _____, effective _____.

JFC 31 1899

Section 1456.05. Application for Licensure as a Respiratory Care Practitioner Under Section 50(b) of the Act (Grandfather) (Repealed)

- a) Any person seeking a license under Section 50(b) of the Respiratory Care Practice Act--the Act--shall file an application with the Department on forms provided by the Department. The application shall be postmarked no later than January 17, 1998, and shall include the following:
- i) Verification of employment as a respiratory care practitioner as defined in Section 3 of the Act for at least 3 of the 5 years prior to January 17, 1996; Employment shall be documented by one or more of the following:
 - A) Certification of experience on forms provided by the Department, signed by an employer, or

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- B) Three affidavits submitted by peers familiar with the applicant's experience as a respiratory care practitioner;
- 2) A complete work history;
- 3) The required fee set forth in Section 75(4) of the Act;
- 4) Certification on forms provided by the Department, from a jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable; stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
- B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
- b) When the accuracy of any submitted documentation or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information;

(Source: Repealed at 24 Ill. Reg. 606, effective 12/1/1999)

Section 1456.30 Application for Licensure on the Basis of Examination

- a) An applicant for a respiratory care practitioner license shall apply on forms approved by the Department. The application shall include:
- 1) Verification of successful completion of an approved respiratory therapy program as set forth in Section 1456.20(e) of this Part.
- 2) Proof of passage of the Entry Level Certified Respiratory Therapist (CRTT) Examination or the Registered Respiratory Therapist (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care submitted directly from the testing entity.
- 3) A complete work history.
- 4) The required fee specified in Section 1456.75 of this Part 75(4) of the Act.
- b) In lieu of the documents required in subsections (a)(1) and (2) above, an applicant may submit certification as a Certified Respiratory Therapist Technician or as a Registered Respiratory Therapist from the National Board for Respiratory Care.
- c) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:

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- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- 2) A description of the examination in that jurisdiction; and
- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) When the accuracy of any submitted documentation or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 24 Ill. Reg. 606, effective 12/1/1999)

Section 1456.40 Application for Licensure for Graduates from a Nonapproved Program

- a) An applicant for a respiratory care practitioner license from a nonapproved program shall apply on forms approved by the Department. The application shall include:
- 1) Transcripts and verification of successful completion of a respiratory therapy program which shall meet the requirements set forth in Section 1456.20 of this Part. The applicant shall be responsible for submitting the program materials for evaluation. If the documentation is insufficient to evaluate the program, the applicant will be requested to submit additional materials;
- 2) A complete work history; and
- 3) The required fee specified in Section 1456.75 75(4) of the Act.
- b) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:
- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- 2) A description of the examination in that jurisdiction; and
- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) Upon approval of the applicant's program by the Department, the applicant may sit for the examination set forth in Section 1456.50 of this Part.
- d) When the accuracy of any submitted documentation or experience is

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questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 24 Ill. Reg. 606 effective 1/1/1994)

Section 1456.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States who wishes to be licensed in Illinois as a respiratory care practitioner shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Verification of meeting education requirements as set forth in Section 1456.20 of this Part;
- 2) Proof of passage of the Entry Level Certified Respiratory Therapy Technician (CRRT) Examination or Registered Respiratory Therapists (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care submitted directly from the testing reporting service;

- 3) Certification from the jurisdiction of original licensure and the jurisdiction in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;

- 4) Complete work history; and

- 5) The required fee specified in Section 1456.75 ~~75mb~~ of the Act.
- b) In lieu of the documents required in subsections (a)(1) and (2) above, an applicant may submit certification from the National Board for Respiratory Care.

- c) The Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of the Act or the applicant possesses individual qualifications which were substantially equivalent to the requirements of the Act.

- d) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

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(Source: Amended at 24 Ill. Reg. 606 effective 1/1/1994)

Section 1456.75 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

- 1) The fee for application for a license as a respiratory care practitioner is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received, and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- 2) The fee for application for a continuing education sponsor is \$500. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.)

b) Renewal Fees.

- 1) The fee for the renewal of a license shall be calculated at the rate of \$60 per year.
- 2) The fee for the renewal as a continuing education sponsor is \$250 for the renewal period (see Section 1456.110(c)(3)).

c) General Fees

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$300.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as respiratory care practitioners in this State shall be the actual cost of producing the roster.

(Source: Added at 24 Ill. Reg. 606 effective 1/1/1994)

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Section 1456.90 Restoration

- a) Any respiratory care practitioner whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1456.75 75(e) of the Act. Individuals restoring a license after April 30, 2001 will be required to submit proof of 24 hours of continuing education as set forth in Section 1456.110 of this Part.

- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1456.75 75(e) of the Act. Individuals restoring a license after April 30, 2001 will be required to submit proof of 24 hours of continuing education as set forth in Section 1456.110 of this Part. The applicant also shall submit either:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice; or
- 2) An affidavit attesting to military service as provided in Section 65(d) of the Act; or

- 3) Proof of passage of a respiratory care examination set forth in Section 1456.50 of this Part during the period the registration was lapsed or on inactive status.

- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

- d) If the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

- e) Upon recommendation of the Board and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 24 Ill. Reg. 506, effective 10/1/88)

Section 1456.110 Continuing Education

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- a) Continuing Education Hour Requirements

- 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of respiratory care required during each prerenewal period. A prerenewal period is the 24 months preceding October 31 in the year of the renewal.
- 2) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.

- 3) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.

- 4) A licensee who serves as an instructor, speaker or discussion leader of a CE program will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 12 hours during any renewal period.

- 5) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

- 6) Respiratory Care Practitioners licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

- 7) A renewal applicant shall receive 6 continuing education hours for passage of the Advanced Practitioner, Clinical Simulation or any other NBRC examination beyond entry level. CE credit will not be granted for examinations taken more than once.

- b) Approved Continuing Education

- 1) All continuing education hours must be earned by verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below.

- 2) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.

- 3) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

- c) Continuing Education Sponsors and Programs

- 1) Approved sponsor, as used in this Section, shall mean:
 - A) The American Association for Respiratory Care or its affiliates;
 - B) The Illinois Society for Respiratory Care or its affiliates;
 - C) American Medical Association or the Illinois State Medical Society or its affiliates;
 - D) American Hospital Association or Illinois Hospital Association or its affiliates;

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- E) Illinois Nurses Association or the American Nursing Association or its affiliates;
- F) American Lung Association or its affiliates; or
- G) Any other person, firm, association, corporation, or group that has been approved and authorized by the Department pursuant to subsection (c)(2) of this Section upon the recommendation of the Board to coordinate and present continuing education courses or programs.
- 2) Entities seeking a license as a CE sponsor shall file a sponsor application, along with the required fee set forth in Section 156.75 of-9598. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:
- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) of this Section and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
- B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(8) below; and
- C) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) ~~Each sponsor shall submit a written notice to the Department of a course offering at least 30 days prior to the course date. The notice shall include a course outline and the location, date, and time the course is to be offered. The notice shall also contain the credit hours earned upon successful completion of the course.~~
- 3)4) Each sponsor shall submit by October 31 of each odd numbered year a sponsor application along with the \$-9259 renewal fee set forth in Section 156.75. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the prerenewal period, which includes a description, location, date and time the course was offered.
- 4)5) Each CE program shall provide a mechanism for written evaluation of the program and instructor by the participants. Such evaluation forms shall be kept for 5 years and shall be made available to the Department upon written request.
- 5)6) All courses and programs shall:
- A) Contribute to the advancement, extension and enhancement of

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- professional clinical skills and scientific knowledge in the practice of respiratory care;
- B) Provide experiences which contain scientific integrity, relevant subject matter and course materials; and
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program.
- 6)7) All programs given by approved sponsors shall be open to all licensed respiratory care practitioners and not be limited to the members of a single organization or a group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- 7)8) Certificate of Attendance
- A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
- i) The name and address of the sponsor;
 - ii) The name and address of the participant and his/her respiratory care practitioner license number;
 - iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program;
 - vi) Signature of the sponsor.
- B) The sponsor shall maintain these records for not less than 5 years.
- 8)9) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.
- 9)10) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110) shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the Department receives reasonably satisfactory assurances of compliance with this Section.
- d) Continuing Education Earned in Other Jurisdictions
- i) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or within 90 days after the renewal date. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - ii) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and

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recommend approval or disapproval of this program using the criteria set forth in this Section.

e) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a) above.

2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

f) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 75(d) of the Act, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
- B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician,
 - ii) A physical inability to travel to the sites of approved programs, or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the

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Application has been made.

(Source: Amended at 24 Ill. Reg. 606 effective

DEC 31 1994)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Illinois Landscape Architecture Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1275
- 3) Section Numbers: Adopted Action:
1275.40 Amendment
1275.60 Amendment
1275.75 New Section
1275.80 Amendment
- 4) Statutory Authority: Illinois Landscape Architecture Act of 1989 [225 ILCS 315].
- 5) Effective Date of amendments: December 31, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 1, 1999, at 23 Ill. Reg. 11866.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 91-255, effective December 30, 1999, is the sunset reauthorization of the Illinois Landscape Architecture Act of 1989. Among its changes was elimination of the statutory fee section of the Act, to be replaced with fees set by administrative rule; this rulemaking adds Section 1275.75 to accomplish that change and reduces the renewal fee from \$100 to \$30 per year. Various technical revisions have also been made.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1275

THE ILLINOIS LANDSCAPE ARCHITECTURE ACT OF 1989

Section 1275.10 Application for Registration Under Section 11(e) of the Act (Grandfather) (Repealed)

1275.20 Approved Programs

1275.30 Experience

1275.40 Application for Examination

1275.50 Examination

1275.60 Endorsement

1275.70 Renewal

1275.75 Fees

1275.80 Restoration

1275.80 Granting Variances

AUTHORITY: Implementing the Illinois Landscape Architecture Act of 1989 and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 3324, effective February 11, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 10091, effective June 24, 1991; amended at 16 Ill. Reg. 10458, effective June 22, 1992; amended at 22 Ill. Reg. 10517, effective June 1, 1998; amended at 24 Ill. Reg. ~~619~~ ^{1275.75} effective ~~June 1, 1999~~.

Section 1275.40 Application for Examination

- a) An applicant for examination shall file an application, on forms supplied by the Department, at least 120 days prior to an examination date. The application shall include:
 - 1) Certification of graduation from an approved landscape architecture program as set forth in Section 1275.20 of this Part;
 - 2) Two years of experience as defined in Section 1275.30 of this Part completed prior to application with the Department;
 - 3) A complete work history since graduation; and
 - 4) The fees required by Section 1275.75 of this Part ~~1475.75~~ ^{1275.75} ~~and~~ ^{of the Act.}
- b) The Department shall accept CLARB certification verifying passage of the Landscape Architect Registration Examination (L.A.R.E.).
- c) Any person who is currently registered in good standing in Illinois shall not be admitted to an examination in Illinois. However, in no way shall this limit the Department's ability to require reexamination

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for restoration or enforcement purposes.

(Source: Amended at 24 Ill. Reg. ~~619~~ ^{1275.60}, effective ~~June 1, 1999~~.)

Section 1275.60 Endorsement

- a) An applicant for registration as a landscape architect who is registered under the laws of another state or territory of the United States shall file an application with the Department, on forms provided by the Department, which includes:
 - 1) Certification, on forms provided by the Department, of a landscape architecture degree from a program approved by the Department in accordance with Section 1275.20 of this Part;
 - 2) Certification, on forms provided by the Department, of professional experience as set forth in Section 1275.30 of this Part;
 - 3) In lieu of the certifications required in subsections (a)(1) and (a)(2), the Department shall accept certification from the Council of Landscape Architectural Registration Boards;
 - 4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:
 - A) The time during which the applicant was licensed;
 - B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending; and
 - C) Examination(s) taken and examination score(s) received;
 - 5) A complete work history; and
 - 6) The required fee as set forth in Section 1275.75 ~~1475.75~~ ^{1275.75} ~~of the Act.~~
- b) The Department may require additional information to determine if the requirements in the state or territory were substantially equivalent to the requirements then in effect in Illinois at the time of application to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application. The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the CLARB; education, training, and experience, including, but not limited to, whether the applicant has achieved special honors or awards, has had articles published in professional journals, or has written textbooks relating to landscape architecture; and any other attribute the Director accepts as evidence that such applicant has outstanding and proven ability in landscape architecture. The Department shall either issue a registration by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the

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application.

(Source: Amended, at 24 Ill. Reg. h: 5, effective 1/1/1994)

Section 1275.75 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application fees. The fee for application for a certificate of registration as a landscape architect is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) Renewal fees. The fee for the renewal of a certificate shall be calculated at the rate of \$30 per year.
- c) General fees.

- 1) The fee for the restoration of a certificate other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to exceed \$200.

- 2) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate for a certificate that has been lost or destroyed or for the issuance of a certificate with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate certificate is issued.

- 3) The fee for a certification of a registrant's record for any purpose is \$20.

- 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.

- 5) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.

- 6) The fee for a roster of persons registered as landscape architects in this State shall be the actual cost of producing the roster.

(Source: Added at 24 Ill. Reg. h: 5, effective 1/1/1994)

Section 1275.80 Restoration

- a) A person seeking restoration of a license which has expired for less than five (5) years shall have the license restored upon payment of

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\$20 40-60 plus all lapsed renewal fees, as set forth in Section 1275.75 required by Section 147147 of the Act. has been placed on inactive status for less than five (5) years shall have the license restored upon payment of the renewal fee as set forth in Section 1275.75 147147 of the Act.

c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than five (5) years shall file an application, on forms supplied by the Department, together with the fee required by Section 1275.75 147147 of the Act and be scheduled for an interview before the Board. The person shall also submit either:

- 1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 12 of the Act; or
- 3) Proof of passage of the L.A.R.E. examination during the period the license was lapsed or on inactive status.

d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 12 of the Act will be required to pay only the current renewal.

ed) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the person seeking restoration of a license shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appeal for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 24 Ill. Reg. h: 5, effective 1/1/1994)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Professional Engineering Practice Act 1989

2) Code Citation: 68 Ill. Adm. Code 1380

3) Section Numbers: Adopted Action:
 1380.240 Amendment
 1380.250 Amendment
 1380.270 Amendment
 1380.275 New Section
 1380.280 Amendment
 1380.310 Amendment

4) Statutory Authority: The Professional Engineering Practice Act of 1989
 (225 ILCS 325)

5) Effective Date of Amendment: December 31, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: October 8, 1999,
 at 23 Ill. Reg. 12395

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Various technical changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?
 No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: Public Act 91-132, effective January 1, 2000, is the sunset reauthorization of the Professional Engineering Practice Act of 1989. Among its changes was elimination of the statutory fee section of the Act, to be replaced with fees set by administrative rule; this rulemaking adds Section 1380.275 to accomplish that change. Various technical revisions have also been made.

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16) Information and questions regarding these adopted amendments shall be directed to:

Jean Courtney
 Department of Professional Regulation
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786-
 217/785-0813 Fax: 217/782-7645

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1380

THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

- Section
 1380.210 Approved Engineering Program
 1380.220 Definition of Degree in Basic Engineering or Related Science
 1380.230 Approved Experience
 1380.240 Application for Enrollment as an Engineer Intern by Examination
 1380.250 Application for Licensure as a Professional Engineer by Examination
 1380.260 Examination
 1380.270 Restoration
 1380.275 Fees
 1380.280 Endorsement
 1380.285 Inactive Status
 1380.290 Professional Design Firm
 1380.300 Standards of Professional Conduct
 1380.305 Professional Engineer Complaint Committee
 1380.310 Renewals
 1380.320 Granting Variances
 APPENDIX A Significant Dates for the Administration of Section 19 of the Act - Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; Part repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. 14737, effective September 19, 1994; amended at 19 Ill. Reg. 16076, effective November 17, 1995; amended at 20 Ill. Reg. 6477, effective April 25, 1996; amended at 21 Ill. Reg. 13839, effective October 1, 1997; amended at 22 Ill. Reg. 16516, effective September 3, 1998; amended at 24 Ill. Reg. 655 effective 7

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11/1/1996

Section 1380.240 Application for Enrollment as an Engineer Intern by Examination

- a) An applicant for enrollment as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include:
- 1) Either:
 - A) Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program as set forth in Section 1380.210 of this Part; or
 - B) Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science evidenced by an official transcript of educational credit, and verification of at least 4 years of experience on forms, completed by the supervisors **supervisor**.
 - i) An applicant shall have acquired the experience required by this Section prior to applying to the Department;
 - ii) Applicants who received their education in a foreign country shall have the education evaluated, at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1689146, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1);
 - 2) The required fee specified in Section 1380.275 **20-of-the-Act**;
 - 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university;
 - 4) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act;
 - 5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to

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determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

- b) An applicant in an approved engineering program shall be eligible to be seated for the first available Fundamentals of Engineering examination during the 12 months prior to graduation if the applicant provides a certification stating that he/she is expected to graduate by the end of that 12 month period. The applicant shall be allowed to retake the examination during that 12 month period if he/she fails on the first attempt. However, an applicant who passes the Fundamentals of Engineering examination prior to graduation will not be enrolled as an Engineer Intern until the Department has received certification of graduation, as required by subsection (a)(1)(A), above. If certification of graduation is not received within one year after the first examination is taken, the results of the examination ~~examinations~~ will be void and the examination will have to be retaken.

- c) Upon receipt of the application and all supporting documentation in complete order:

- 1) Persons with degrees from an approved engineering program will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 1380.275;
- 2) The files of persons with degrees in basic engineering or related science will be presented to the Board for evaluation of the required experience and education based on the criteria specified in Sections 1380.220 and 1380.230. Once the applications have been approved, those persons will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 1380.275 20-of-the-Act.

(Source: Amended at 24 Ill. Reg. 5-5 effective 06-31-1999)

Section 1380.250 Application for Licensure as a Professional Engineer by Examination

- a) Applicant enrolled as an Engineer Intern
- 1) An applicant shall have acquired all experience required by Section 1380.240 prior to making application to the Department.
 - 2) An applicant for licensure as a professional engineer who is enrolled as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

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- A) Experience verification forms ~~forms~~ completed by the supervisors ~~supervisor~~, indicating the required 4 years of experience earned. For Engineer Interns enrolled with a degree in basic engineering or related science, experience verification forms shall be completed for the entire 8 years of required experience.

- B) For persons who were certified or enrolled as an Engineer Intern or Engineer-in-training in another state or territory:

- i) A certification of such enrollment from the appropriate state board, including the date of the examination, ~~and~~
- ii) Completed college certification form showing degree received and, if the degree was not received from an approved engineering program, an official transcript of educational credit.
- iii) Applicants who received their education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 188646, Clemson, South Carolina 29633-1666. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).
- iv) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.
- C) The required fee specified in Section 1380.275 20-of-the-Act.
- D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.
- E) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall

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also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.

3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education and experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for Part II of the examination, examination filing deadline and the required examination fee as provided for in Section 1380.275 ~~2b-of-the-Act~~.

b) Applicant not enrolled as an Engineer Intern

1) An applicant shall have acquired all experience as required in Section 1380.240 prior to making application to the Department.

2) An applicant for registration as a professional engineer who is not enrolled or certified as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

A) Education:

i) A degree from an approved Engineering Program. Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program, and completed experience verification forms ~~form(s)~~ completed by the supervisors ~~supervisor~~, indicating the required 4 years of experience; or degree in Basic Engineering or Related Science. Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science; an official transcript of educational credit; and completed experience verification forms ~~form(s)~~ completed by the supervisors ~~supervisor~~, indicating the required 8 years of experience.

ii) Applicants who received their education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 168444, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).

B) The required fee specified in Section 1380.275 ~~2b-of-the-Act~~.

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C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.

D) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.

E) Proof of passage of the Test of English as a Foreign Language (TOEFL), with a minimum score of 550 or 213 on the computer-based test and Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of education and required experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for both Part I and Part II of the examination, examination filing deadline, and the required examination fee as provided for in Section 1380.275 ~~2b-of-the-Act~~.

(Source: Amended at 24 Ill. Reg. 625 ~~3~~, effective ~~July 1, 1994~~)

Section 1380.270 Restoration

a) A licensee seeking restoration of a license which has expired for 5 years or less shall have the license restored upon application to the Department and payment of the required fee ~~fees~~ specified in Section 1380.275 ~~Sections-17-and-20-of-the-Act~~.

b) A licensee seeking restoration of a license which has been placed on inactive status for 5 years or less shall have his certificate restored upon application to the Department and payment of the current renewal fee specified in Section 1380.275 ~~Sections-17-and-20-of-the-Act~~.

c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department for review by the Board, together with the fee required by Section 1380.275 ~~Sections-17-and-20-of-the-Act~~. The licensee shall also submit either:

1) Sworn evidence of active practice in another jurisdiction for at

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least the last 2 years. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;

- 2) An affidavit attesting to military service as provided in Section 17 of the Act---if application is made within 2 years of discharge, and if all other provisions of Section 17 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees;
- 3) Proof of passage of Part II of the examination provided in Section 1380.260 within the 5 years preceding restoration; or
- 4) Other evidence of continued competence in professional engineering. Other evidence shall include, but not be limited to:
 - A) Employment in a responsible capacity by a licensed professional engineer as determined by the Board;
 - B) Lawfully practicing professional engineering as an employee of a governmental agency;
 - C) Teaching professional engineering in a college or university; or
 - D) Attendance at educational programs in professional engineering or a related field, including, but not limited to, attendance at graduate level engineering courses, professionally oriented continuing education classes or special seminars.

- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 17 of the Act will be required to pay only the current renewal fee.
- e) When the accuracy of any submitted documentation, of the relevance or sufficiency of the course work or experience is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his license will be requested to:
 - 1) provide such information as may be necessary; and/or
 - 2) explain such relevance or sufficiency during an oral interview; or

- 3) appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon recommendation of the Board, and approval by the Director, an applicant shall have his license restored or will be notified of the reason for the denial of such application for restoration.
- f) If an applicant is denied restoration under subsection (c)(4), the applicant's license may be restored by taking and passing Part II of the examination as provided in Section 1380.260.

(Source: Amended at 24 Ill. Reg. 6.01, effective 1/1/99)

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Section 1380.275 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application fees.
 - 1) The fee for application for a license as a professional engineer is \$100.
 - 2) The application fee for a certificate of enrollment as an engineer intern is \$20.
 - 3) The application fee for a certificate of registration as a professional design firm is \$75.
- In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) Renewal fees.
 - 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
 - 2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1380.310(c)).
- c) General fees.
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20 plus any fee charged by the testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as professional engineers or engineer interns in this State shall be the actual cost of producing the roster.
 - d) Additional fees.
 - 1) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the

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Department, in addition to the amount already owed to the Department, a fee of \$50.

2) If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fee for a returned check, an additional fee of \$100 shall be imposed.

3) The fees imposed by this Section are in addition to any other discipline provided under the Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that fees shall be paid to the Department by certified check or money order within 30 calendar days after the notification.

4) If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration of issuance of the license or certificate and pay all fees due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application.

6) The Director may waive the fees due under this Section in individual cases where the Director finds that the fees would be unreasonable or unnecessarily burdensome.

(Source: Added at 24 Ill. Reg. 625, effective 11/1/1994)

Section 1380.280 Endorsement

a) Any person who holds an unexpired certificate of registration or license to practice professional engineering, issued under the laws of another state or territory of the United States or the District of Columbia and who desires to become licensed by endorsement shall file an application, on forms provided by the Department, together with:

- 1) The required fee specified in Section 1380.275 20-of-the-Act.
- 2) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction, including certification of education, and verification of experience.
- 3) A certification by the jurisdiction of original licensure and certification of current licensure from the jurisdiction of predominant active practice including the following:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

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B) The basis of licensure and a description of all licensure examinations by which the applicant was licensed in that jurisdiction; and the date of successful passage of such examinations; and

C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.

4) A complete work history, on forms provided by the Department.

5) If the qualifications of the applicant at the time of original licensure did not meet the requirements in effect at that time for licensure in this State, the applicant may submit additional certifications from other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure.

6) In lieu of the documentation specified in subsections (a)(2), (3) and (5) above, an applicant may submit a current Council Record and Certification of Verification from NCEES.

7) Applicants who received their education in a foreign country and who were originally licensed in another jurisdiction after January 1, 1996, shall have the education evaluated, at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1686546, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).

8) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50 for applicants originally licensed after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program which the applicant graduated was taught in English.

9) The Department may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved engineering program, has achieved special honors or awards, has had articles published in professional journals, has participated in the writing of textbooks relating to professional engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability

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in the practice of professional engineering.

10) Acceptable Experience

A) Applicants for endorsement having obtained the following acceptable experience, in accordance with Section 1380.230, prior to taking the Principles and Practice of Engineering Examination shall be considered in compliance with the experience requirements of Section 10 of the Act:

- i) Under Section 10(a) of the Act, at least 3 years and 9 months of acceptable experience after receipt of the baccalaureate degree, or
- ii) Under Section 10(b) of the Act, at least 7 years and 9 months of acceptable experience after receipt of the baccalaureate degree.

B) Applicants not meeting the requirements of subsection (a)(10)(A) at the time of original or subsequent examination shall retake the Principles and Practice of Engineering Examination after meeting the necessary requirements.

11) Appendix A of this Part outlines the licensure requirements in force during various periods and should be consulted by the applicant to aid in the evaluation of his/her qualifications.

b) The Department shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the requirements then in force in this state. The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board, because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to:

- 1) provide such information as may be necessary;
- 2) Appear for an oral interview before the Board; and/or

3) Applicants who were licensed prior to January 1, 1996, upon review of the educational requirements may be required to have their education evaluated at their expense as set forth in subsection (a)(7).

d) The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

(Source: Amended at 24 Ill. Reg. 625, effective 1/1/96)

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Section 1380.310 Renewals

a) Every license issued to an individual under the Act shall expire on November 30 of each odd numbered year. The holder of a license may renew such license for a two-year period during the month preceding the expiration date thereof by paying the fee required by Section 1380.275 ~~20 of the Act~~.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse ~~for~~ failure to pay the renewal fee and to renew one's license.

c) Every license issued to a professional design firm ~~corporation--or partnership~~ under the Act shall expire on April 30 of each odd-numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee.

d) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 24 of the Act.

(Source: Amended at 24 Ill. Reg. 625, effective 1/1/96)

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1) Heading of the Part: The Structural Engineering Practice Act of 19892) Code Citation: 68 Ill. Adm. Code 1480

3) Section Numbers: Adopted Action:
 1480.135 Amendment
 1480.140 Amendment
 1480.160 Amendment
 1480.170 Amendment
 1480.190 Amendment
 1480.190 New Section
 1480.195

4) Statutory Authority: The Structural Engineering Licensing Act of 1989
 [(225 ILCS 340)]5) Effective Date of amendments: December 31, 19996) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: October 8, 1999,
 at 23 Ill. Reg. 12408.10) Has JCAR issued a Statement of Objection to these amendments? No11) Differences between proposal and final version: Various technical changes were made.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these amendments replace emergency amendments currently in effect?
 No14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 91-132, effective January 1, 2000, is the sunset reauthorization of the Structural Engineering Licensing Act of 1989. Among its changes was elimination of the statutory fee section of the Act, to be replaced with fees set by administrative rule; this rulemaking adds Section 1480.195 to accomplish that change. Various technical revisions have also been made.

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16) Information and questions regarding these adopted amendments shall be directed to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0813 Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1480

THE STRUCTURAL ENGINEERING PRACTICE LICENSING ACT OF 1989

Section

- 1480.10 Statutory Authority (Repealed)
1480.20 Licensure (Repealed)
1480.30 Approved Education Qualifications (Repealed)
1480.40 Approved Experience Qualifications (Repealed)
1480.45 Renewals (Renumbered)
1480.50 Restoration of Expired Certificate (Repealed)
1480.60 Granting Variances (Renumbered)
1480.110 Approved Structural Engineering Curriculum
1480.120 Definition of Degree in Related Science
1480.130 Approved Experience
1480.135 Application for Enrollment as a Structural Engineer Intern by Examination
- 1480.140 Application for Licensure by Examination
1480.150 Examination
1480.160 Restoration
1480.170 Endorsement
1480.180 Inactive Status
1480.180 Renewals
1480.190 Fees
1480.195 Professional Design Firm
1480.200 Standards of Professional Conduct
1480.210 Structural Engineer Complaint Committee
1480.215 Granting Variances (Renumbered)

AUTHORITY: Implementing the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; modified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Reg. 7448, effective June 15, 1982; and Educational) to Chapter VII, 68 Ill. Reg. 7448 (Department of Registration and Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. 11162, effective July 1, 1993; amended at 18 Ill. Reg.

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14751, effective September 19, 1994; amended at 19 Ill. Reg. 2309, effective February 14, 1995; amended at 19 Ill. Reg. 16081, effective November 17, 1995; amended at 21 Ill. Reg. 13844, effective October 1, 1997; amended at 24 Ill. Reg. 939, effective 10/1/99.

Section 1480.135 Application for Enrollment as a Structural Engineer Intern by Examination

a) An applicant for enrollment as an Structural Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include:

- 1) Either:
 - A) A degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. Official college transcript showing all coursework completed and conferral of a baccalaureate degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; or
 - B) A degree in a related science as set forth in Section 1480.120. Official college transcript showing all coursework completed and conferral of a bachelor of science degree in a related science; and completed experience verification form(s), indicating the required 4 years of approved experience; ⁷
- 2) The required fee specified in Section 1480.195 ~~37-of-the-Act~~;
- 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of such participation with a brief description of the program, from the university and verification of supervision;
- 4) A complete work history indicating all employment since receipt of a baccalaureate degree, and
- 5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the TOEFL computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English; ⁷
- 6) An applicant shall have acquired the experience required by this Section after conferral of the degree and prior to applying to the Department; ⁷
- 7) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for

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Engineers (NCEES), P.O. Box 1686 #646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in this Section and Section 1480.130.

- b) Upon receipt of the application and all supporting documentation in complete order:

- 1) Persons with degrees from an engineering program that has been reviewed and approved by the Board will be reviewed by the Board and notified of their eligibility to register for the Fundamentals of Engineering Examination.
- 2) The files of persons with degrees in basic engineering or related science will be presented to the Board for evaluation of the required education and experience based on the criteria specified in Sections 1480.110 and 1480.130. Once the applications have been approved, those persons will be notified of their eligibility to register for the Fundamentals of Engineering Examination, the examination filing deadline and the required examination fee as provided for in Section 1480.195 17-of-the Act.

- c) The Fundamentals of Engineering Examination will be waived for individuals who have taken and passed the Fundamentals of Engineering Examination for licensure as an Engineer Intern or Professional Engineer.

(Source: Amended at 24 Ill. Reg. 639, effective 11-1-1994)

Section 1480.140 Application for Licensure by Examination

- a) Applicant enrolled as a Structural Engineer Intern or Engineer Intern 1) An applicant shall have acquired all experience required by Section 1480.130 prior to making application to the Department.

- 2) An applicant for licensure as a structural engineer who is enrolled as a Structural Engineer Intern or Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:

- A) Experience verification form(s) completed by the supervisor, indicating the required 4 years of experience earned. For Engineer Interns enrolled with a degree in a related science, experience verification form(s) shall be completed for the entire 8 years of required experience as set forth in Section 1480.130.

- B) For persons who were certified or enrolled as an Engineer Intern or Engineer-in-training in Illinois or another state or territory:

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- i) A certification of such enrollment from the appropriate state board, including the date of the examination; and
- ii) Official college transcripts showing coursework completed and degree received.

- C) The required fee specified in Section 1480.195 17-of-the Act.

- D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of such participation with a brief description of the program, from the university and verification of supervision.

- E) A complete work history indicating all employment since receipt of a baccalaureate degree and verification of supervision.

- b) Applicant not enrolled as a Structural Engineer Intern or an Engineer Intern

- 1) An applicant shall have acquired all experience as required in Section 1480.130 prior to making application to the Department.

- 2) An applicant for registration as a structural engineer who is not enrolled or certified as a Structural Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:

- A) Verification of experience indicating the approved experience as set forth in Section 1480.130 of this Part;

- B) Certification of education of one of the following:

- i) A degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. An official transcript of educational credit showing receipt of a baccalaureate degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; an official transcript of educational credit; and

- completed experience certification form(s) indicating the required 4 years of approved experience, except as provided in subsection (c) of this Section; or

- ii) A degree in a related science as set forth in Section 1480.120. An official transcript of educational credit showing receipt of a bachelor of science degree in a related science; an official transcript of educational credit; and completed experience certification form(s), indicating the required 8 years of approved experience;

- C) A complete work history, on forms provided by the Department, indicating all employment since receipt of a baccalaureate degree; and

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- D) The required fee specified in Section 1480.195 ~~is~~ **is of the Act.**
- c) If an applicant has ever been licensed in another jurisdiction, certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the following:
- 1) The date of issuance of the applicant's license and the current status of such license;
 - 2) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and
 - 3) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.
- d) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineer (NCEES), P.O. Box 1685 #646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1480.110 and 1480.120.
- e) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the TOEFL computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English.
- f) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education and experience as specified in Section 1480.110 and 1480.130. Once the application has been approved, those persons will be notified of their eligibility to register, for the Fundamentals of Engineering, Structural I and Structural II examinations, the examination filing deadlines and the required examination fee as provided for in Section 1480.195 ~~is~~ **is of the Act.**

(Source: Amended at 24 Ill. Reg. 699, effective 6/1/1994)

Section 1480.160 Restoration

- a) A licensee seeking restoration of his license which has expired for less than 5 years shall have the ~~his~~ license restored upon application to the Department and payment of the required fee specified in Section 1480.195 ~~Section 14 and 17 of the Act.~~

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- b) A licensee seeking restoration of a ~~his~~ license which has been placed on inactive status for less than 5 years shall have the ~~his~~ **certificate** restored upon application to the Department and payment of the current renewal fee specified in Section 1480.195 ~~Sections 14 and 17 of the Act.~~
- c) A licensee seeking restoration of a ~~his~~ license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department for review by the Board, together with the fee required by Section 1480.195 ~~Sections 14 and 17 of the Act.~~ The licensee shall also submit either:
- 1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
 - 2) An affidavit attesting to military service as provided in Section 14 of the Act; ~~and if application is made within 2 years of discharge, and if all other provisions of Section 14 of the Act are satisfied, the applicant shall not be required to pay a restoration fee or any taped renewal fees;~~
 - 3) Proof of passage of Part II of the examination provided in Section 1480.150 within the 5 years preceding restoration; or
 - 4) Other evidence of continued competence in structural engineering.
- ~~A) Other evidence shall include, but not be limited to:~~
- ~~A) Employment in a responsible capacity by a licensed structural engineer as determined by the Board;~~
- ~~B) Lawfully practicing structural engineering as an employee of a governmental agency;~~
- ~~C) Teaching structural engineering in a college or university; or~~
- ~~D) Attendance at educational programs in structural engineering or a related field, including, but not limited to, attendance at graduate level engineering courses, professionally oriented continuing education classes or special seminars.~~
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 14 of the Act will be required to pay only the current renewal fee.
- e) ~~When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience required by subsection (c)(4) above is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his license shall be requested to:~~
- ~~1) Provide such information as may be necessary; and/or~~
- ~~2) Appear for an interview before the Board to explain such relevance or sufficiency when the information available to the Board is insufficient to evaluate the individual's current~~

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competency to practice under the Act. Upon recommendation of the Board, and approval by the Director, an applicant shall have the his license restored or shall be notified of the reason for the denial of such application for restoration.

(Source: Amended at 24 Ill. Reg. 53 § 3, effective 3/1/1999)

Section 1480.170 Endorsement

a) Any person who holds an unexpired certificate of registration or license to practice structural engineering, issued under the laws of another state or territory and who desires to become licensed by endorsement shall file an application, on forms provided by the Department, together with:

- 1) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction (i.e., a separate written 16 hour structural engineering examination and the Fundamentals of Engineering examination), including the Certification of education, and verification of experience;
- 2) A certification by the jurisdiction of original licensure and a certification from the jurisdiction of predominant active practice including the following:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) The basis of licensure and a description of all examinations by which the applicant was licensed in that jurisdiction and the date of passage of any such examinations; and
 - C) Whether the records of the licensing authority contain any disciplinary action taken or pending against the applicant;

3) If the qualifications of the applicant at the time of original licensure did not meet the requirements for licensure in this State at that time, the applicant may submit additional certifications of other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure;

- 4) A complete work history, on forms provided by the Department, indicating all employment since receipt of the baccalaureate degree;
- 5) The required fee set forth in Section 1480.195 ~~3743 of the Act~~;
- 6) Applicants who received their education in a foreign country and who were originally licensed after January 1, 1997 shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1686 1646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation

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submitted to the Department to determine if the education meets the requirements set forth in Section 1480.110 and 1480.120; and

- 7) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who were originally licensed in another jurisdiction apply after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English. In order to determine whose language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English.

- b) The Department may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved engineering curriculum, has achieved special honors or awards, has had numerous articles published in professional journals, has participated in the writing of textbooks relating to structural engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of structural engineering.

- c) In order to provide background in structural engineering experience, an applicant licensed as a structural engineer in another state or territory, and who has met all previously stated requirements may be requested to appear before the Board for an oral interview at which questions will be asked to determine the applicant's qualifications and knowledge of structural engineering (see Section 1480.160 (c)(2)(i)-(iv)). Specifically, questions may explore the applicant's knowledge concerning the design of concrete, structural steel, timber, masonry and foundations and analysis procedures, design codes, materials and recommended practices for design and construction.

- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to:
 - 1) Provide information as may be necessary;
 - 2) Appear for oral interviews before the Board; and/or
 - 3) Applicants who were licensed prior to January 1, 1997, upon review of the educational requirements, may be required to have their education evaluated at their expense as set forth in subsection (a)(6).

- e) The Department shall examine each endorsement application to determine whether the qualifications of the applicant at the time of

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original or subsequent licensure were substantially equivalent to the requirements then in force in this State. After review of the application the Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement shall automatically be reviewed under the provisions of Section 1480.140.

(Source: Amended at 24 Ill. Reg. 659, effective 10/1/1989)

Section 1480.190 Renewals

a) Every license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 1480.195 of the Act. Starting with the 1996 renewal, all licensees must submit satisfactory evidence of knowledge in seismic design in order to renew their licenses.

1) The seismic design requirement can be satisfied by any one of the following:

- A) Passage of the NCEES Structural II PM Examination administered by Illinois effective with the April 1991 administration or passage of the Western States Structural Examination or the NCEES Structural II PM Examination administered by all other jurisdictions beginning with the spring 1993 administrations. Evidence of passage of one of the above-identified examinations shall be submitted by the licensee and may be a copy of the licensee's pass notice;
- B) Satisfactory completion of a Board approved course of instruction dealing with seismic design that is part of an approved engineering curriculum. The licensee shall submit the course title and catalog course description to the Board for approval prior to taking the course. Evidence of completion shall be a college transcript. Audited courses are not acceptable;
- C) Satisfactory completion of a Board approved professional seminar dealing with seismic design and involving a minimum of 16 contact hours (1.6 continuing education units or 1 semester hour of university credit) of lectures. Evidence of completion shall be by means of a valid certificate of completion signed by the providers of the seminar or an official transcript from the university. Audited courses are not acceptable; or
- D) Evidence that the licensee has taught a Board approved professional seminar or course dealing with seismic design that is part of an approved engineering curriculum or has

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conducted significant research into the problems of seismic resistance of structures and published the results of the research.

2) The Board shall utilize, but not be limited to, the following standards when approving a course or seminar in subsections (a)(1)(7)(b), (C) and (D) above:

- A) Structural standards on buildings or bridges;
 - B) Structural standards and specifications for buildings or bridges;
 - C) Concepts in structural dynamics;
 - D) Seismic loading including seismicity;
 - E) Seismic response analysis; and
 - F) Seismic design concepts including concrete, steel, other structural materials and foundations.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Every license issued to a professional design firm corporation or partnership under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee and submitting a current listing of structural engineers licensed in Illinois that are employed by the firm.
- d) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 20 of the Act.

(Source: Amended at 24 Ill. Reg. 659, effective 10/1/1989)

Section 1480.195 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application fees.
 - 1) The fee for application for a license as a structural engineer is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The application fee for a license as a structural engineer intern is \$50.

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- 3) The application fee for a certificate of registration as a professional design firm is \$75.
- b) Renewal Fees.
 - 1) The fee for the renewal of a structural engineer license shall be calculated at the rate of \$30 per year.
 - 2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1480.190(c)).
- c) General Fees.
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the tabulation of the score of an examination administered by the Department reviewed and verified is \$20 plus any fee charged by the testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as structural engineer, or structural engineer interns in this State shall be the actual cost of producing the roster.
- d) All of the fees collected pursuant to this Section shall be deposited in the Design Professionals Administration and Investigation Fund.
- e) Additional Fees
 - 1) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fee of \$50.
 - 2) If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fee for a returned check, an additional fee of \$100 shall be imposed.
 - 3) The fees imposed by this Section are in addition to any other discipline provided under the Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees shall be paid to the Department by certified check or money order within 30 calendar days after the notification.
 - 4) If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the

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- 5) license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application.
- 6) The Director may waive the fees due under this Section in individual cases where the Director finds that the fees would be unreasonable or unnecessarily burdensome.

(Source: Added at 24 Ill. Reg. 609, effective 1/1/04)

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1) Heading of the Part: Veterinary Medicine and Surgery Practice Act of 1994

2) Code Citation: 68 Ill. Adm. Code 1500

3) Section Numbers: Adopted Action:

1500.10 Amendment

1500.11 Amendment

1500.30 Amendment

1500.35 Amendment

1500.47 New Section

4) Statutory Authority: Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115]

5) Effective Date of amendments: December 31, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: October 8, 1999, at 23 Ill. Reg. 12421.

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Section 1500.11 was amended to provide for graduates of unapproved programs to sit for the national examination in Illinois prior to graduation if certain conditions are met.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this rulemaking adds Section 1500.47 to accomplish that change. It also makes various technical changes.

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16) Information and questions regarding this amended Part shall be directed to:

Department of Professional Regulation

Attention: Jean Courtney

320 West Washington, 3rd Floor

Springfield, Illinois 62786

217/785-0813 Fax #: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1500
 VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 1994

Section	
1500.5	Approved Veterinary Medicine and Surgery Programs
1500.10	Application for Examination by Graduates of Approved Programs
1500.11	Application by Graduates of Unapproved Programs
1500.15	Temporary Permit
1500.20	Examination
1500.25	Continuing Education
1500.30	Endorsement
1500.35	Restoration
1500.45	Renewals
1500.47	Fees
1500.49	Supervision
1500.50	Standards of Professional Conduct
1500.51	Impaired Veterinarian Program of Care, Counseling or Treatment
1500.55	Advertising
1500.60	Conduct of Hearings (Repealed)
1500.65	Annual Report of Board
1500.70	Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Veterinary Medicine and Surgery Practice Act, effective January 1, 1984; amended at 2 Ill. Reg. 23, P. 13, effective June 10, 1978; codified at 5 Ill. Reg. 11070; amended at 6 Ill. Reg. 2004, effective January 30, 1982; Part repealed, new Part adopted at 9 Ill. Reg. 16327, effective October 10, 1985; amended at 11 Ill. Reg. 20966, effective December 9, 1987; transferred from Chapter 1, 68 Ill. Adm. Code 500 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1968; at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. 16702, effective October 30, 1991; amended at 18 Ill. Reg. 11212, effective June 30, 1994; amended at 19 Ill. Reg. 12488, effective August 18, 1995; amended at 22 Ill. Reg. 15353, effective August 10, 1998; amended at 24 Ill. Reg. 3367, effective DEC 31 1999.

Section 1500.10 Application for Examination by Graduates of Approved Programs

- a) An applicant for examination for licensure to practice veterinary

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medicine and surgery who is a graduate of an approved program of veterinary medicine and surgery that meets the requirements set forth in Section 1500.5 shall file an application with the Department or its designated testing service on forms supplied by the Department at least 60 days prior to an examination date. The application shall include:

- 1) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;
- 2) Certification of successful completion of at least 2 years of pre-veterinary collegiate training, and graduation from an approved program of veterinary medicine and surgery;
- 3) The required fee specified in Section 1500.47 of this Part ~~14--of the Act~~; and
- 4) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of any disciplinary actions taken or pending.

- b) Examination prior to graduation

- 1) An applicant enrolled in an approved veterinary program will be admitted to an examination prior to graduation if he/she provides certification from the college of veterinary medicine from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination(s) shall be void.
- 2) The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation, within 90 days after the scheduled graduation date specified in subsection (b)(1) above.

- 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.
- c) An applicant who has taken and passed the examination pursuant to Section 1500.20 in another jurisdiction shall file an application in accordance with subsection (a) above and have the examination scores submitted to the Department directly from the testing entity.

(Source: Amended at 24 Ill. Reg. 653, effective

DEC 31 1999)

Section 1500.11 Application by Graduates of Unapproved Programs

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a) An applicant for examination who is a graduate of an unapproved program of veterinary medicine and surgery shall file an application, on forms supplied by the Department, and shall be accompanied by the following:

- 1) A complete work history indicating all employment since graduation from a veterinary program to the time of application;
- 2) A verification of enrollment from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG) indicating that the applicant has met all of the requirements for ECFVG certification except for completion of the proficiency examination or the completion of 1 year of clinical experience;
- 3) The required fee specified in Section 1500.47 **14-of-the-Act**;
- 4) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending;

5) Applicants who submit any document in a foreign language shall submit an original, notarized English translation.

b) An applicant for licensure who is a graduate of an unapproved program of veterinary medicine and surgery must hold a certificate from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG). Application shall be filed on forms supplied by the Department and shall be accompanied by the following:

1) A complete work history indicating employment since graduation from a veterinary program to the time of application.

2) An original certificate from the ECFVG indicating completion of the proficiency examination or the completion of 1 year of clinical experience.

3) The required fee specified in Section 1500.47 **14-of-the-Act**.

4) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

5) Applicants who submit any document in a foreign language shall submit an original, notarized English translation.

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c) submit an original, notarized English translation.

c) Examination prior to graduation

- 1) An applicant enrolled in an unapproved veterinary program will be admitted to an examination prior to graduation if he/she provides certification from the college of veterinary medicine from which the applicant is expected to graduate and verification of enrollment from the ECFVG. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of such examination(s) shall be void.
- 2) The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation and an original certificate from ECFVG.
- 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.

d) At such time as a foreign graduate obtains the ECFVG certificate and applies for licensure in Illinois the scores shall be sent to the Department directly from the reporting entity. The passing score on the examinations shall be the passing scores established by the testing entity. Prior to January 1994, the passing score on the examination was a converted score of 75 based on 1.5 standard deviations below the mean.

(Source: Amended at 24 Ill. Reg. 658, effective 10-1-1994)

Section 1500.30 Endorsement

a) An applicant who is licensed under the laws of another jurisdiction of the United States shall file an application with the Department, together with:

- 1) A certification from the licensing authority of all jurisdictions in which the applicant has ever been licensed and is currently licensed, stating:

A) The time during which the applicant was licensed;

B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;

C) A brief description of the examination and the grades received;

2) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;

3) Certification of successful completion of at least 2 years of pre-veterinary collegiate training and graduation from an approved program of veterinary medicine and surgery; and

4) The required fee set forth in Section 1500.47 **14-of-the-Act**.

The Department shall examine each application to determine compliance

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with Section 13 of the Act. The applicant may be required to appear before the Board:

- 1) To clarify or explain information contained on the submitted documentation; or
- 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State.

(Source: Amended at 24 Ill. Reg. 65 6, effective 1/1/84)

Section 1500.35 Restoration

- a) A licensee seeking restoration of a license that has been expired for 5 years or less shall have the license restored upon payment of \$20 plus all lapsed renewal fees as specified in Section 1500.47 ~~of the Act~~ and proof of completion of the continuing education requirements set forth in Section 1500.25 for a single renewal period.
- b) A licensee seeking restoration of a license that has been expired or on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee specified in Section 1500.47 ~~of the Act~~. The licensee shall also submit ~~either~~:
 - 1) Sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 - 2) An affidavit attesting to military service as provided in Section 15 of the Act; or
 - 3) Evidence of other experience within the profession, other than active practice (such as research, teaching or publishing) during the time when the license was expired, and proof of completion of the continuing education requirements for a single renewal period.

- c) A licensee seeking restoration of a license that has been on inactive status for 5 years or less shall file an application, on forms provided by the Department, together with proof of completion of continuing education requirements for a single renewal period and the current renewal fee.

- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 15 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

- e) ~~When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:~~

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- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 24 Ill. Reg. 65 6, effective 1/1/84)

Section 1500.47 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a veterinary license is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$50 per year.
- c) General Fees.
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$300.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as veterinarians in this State shall be the actual cost of producing the roster.

(Source: Added 1/1/84 at 24 Ill. Reg. 65 6, effective 1/1/84)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.481 Amendment
140.497 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13]
- 5) Effective Date of Amendments: January 3, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 20, 1999 (23 Ill. Reg. 9733)
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version:
- The following changes have been made in the text of the proposed rulemaking.
- In the last sentence of Section 140.481(a), "of the least of" has been changed to "the least of".
- In Section 140.481(d), a new sentence has been added after the seventh sentence, to read, "In addition to payment for the acquisition costs, the Department will pay a dispensing fee.". In the next sentence, "dispensing fee shall be made to include" has been changed to "dispensing fee shall include".
- No other substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?

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- No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments to the Department's rules concerning medical payment provide changes to create a uniform reimbursement methodology for calculating maximum allowable rates for durable medical equipment, medical supplies, prosthetic devices and hearing aids. Currently, rates for such items are calculated according to separate methodologies. The Department has conducted a pricing study, including a comparison review relative to Medicare pricing guidelines, in order to update reimbursement levels and provide rate consistency. Since these proposed changes pertain to services already covered by the Department, any budgetary impact will be minimal
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Joanne Jones
Office of the General Counsel
Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER 1: DEPARTMENT OF PUBLIC AID

SUBCHAPTER 1: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
 140.2 Medical Assistance Programs
 140.3 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
 140.4 Covered Medical Services Under General Assistance
 140.5 Covered Medical Services Not Covered
 140.6 Medical Assistance Provided to Individuals Under the Age of Eighteen
 140.7 Who Do Not Qualify for AFDC and Children Under Age Eight
 140.8 Medical Assistance For Qualified Severely Impaired Individuals
 140.9 Medical Assistance for a Pregnant Woman Who Would Not Categorically Eligible for AFDC/AFDC-MANG if the Child Were Alike / Born or Who Do Not Qualify As Mandatory Categorically Needy
 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
 140.12 Participation Requirements for Medical Providers
 140.13 Definitions
 140.14 Denial of Application to Participate in the Medical Assistance Program
 140.15 Recovery of Money
 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
 140.18 Effect of Termination on Individuals Associated with Vendor
 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
 140.20 Submittal of Claims
 140.21 Covered Medical Services for Qualified Medicare Beneficiaries (QMBs)
 140.22 Magnetic Tape Billings
 140.23 Payment of Claims
 140.24 Payment Procedures
 140.25 Overpayment or Underpayment of Claims
 140.26 Payment to Factors Prohibited

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- 140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
 140.55 Recipient Eligibility Verification (REV) System
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 140.72 Voucher Advance Payment and Expedited Payments
 140.73 Drug Manual (Recodified)
 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section

- 140.80 Hospital Provider Fund
 140.81 Developmentally Disabled Care Provider Fund
 140.82 Long Term Care Provider Fund
 140.84 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund
 140.94 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.95 Hospital Services Trust Fund
 140.96 General Requirements (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.99 Hospital Services Not Covered (Recodified)
 140.100 Limitation On Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.117 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services During Fiscal Year 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)

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140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1969 Services (Recodified)
140.363	Post June 30, 1969 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirements for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services

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140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Types of Home Health Services
140.472	Prior Approval for Home Health Services
140.473	Payment for Home Health Services
140.474	Medical Equipment, Supplies and Prosthetic Devices
140.475	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.476	Limitations on Equipment, Supplies and Prosthetic Devices
140.477	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.478	

DEPARTMENT OF PUBLIC AID

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140.479 Limitations, Medical Supplies
 140.480 Equipment Rental Limitations
 140.481 Payment for Medical Equipment, Supplies, and Prosthetic Devices and Hearing Aids
 140.482 Family Planning Services
 140.483 Limitations on Family Planning Services
 140.484 Payment for Family Planning Services
 140.485 Healthy Kids Program
 140.486 Limitations on Medichesk Services (Repealed)
 140.487 Healthy Kids Program Timeliness Standards
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
 140.490 Medical Transportation
 140.491 Limitations on Medical Transportation
 140.492 Payment for Medical Transportation
 140.493 Payment for Helicopter Transportation
 140.495 Psychological Services
 140.496 Payment for Psychological Services
 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section
 140.500 Long Term Care Services
 140.502 Cessation of Payment at Federal Direction
 140.503 Cessation of Payment for Improper Level of Care
 140.504 Cessation of Payment Because of Termination of Facility
 140.505 Continuation of Payment Because of Threat To Life (Repealed)
 140.506 Provider Voluntary Withdrawal
 140.507 Continuation of Provider Agreement
 140.510 Determination of Need for Group Care
 140.511 Long Term Care Services Covered by Department Payment
 140.512 Utilization Control
 140.513 Utilization Review Plan (Repealed)
 140.514 Certifications and Recertifications of Care
 140.515 Management of Recipient Funds--Personal Allowance Funds
 140.516 Recipient Management of Funds
 140.517 Correspondent Management of Funds
 140.518 Facility Management of Funds
 140.519 Use or Accumulation of Funds
 140.520 Management of Recipient Funds--Local Office Responsibility
 140.521 Room and Board Accounts
 140.522 Reconciliation of Recipient Funds
 140.523 Bed Reserves
 140.524 Cessation of Payment Due to Loss of License
 140.525 Quality Incentive Program (QUIP) Payment Levels
 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)

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140.527 Quality Incentive Survey (Repealed)
 140.528 Payment of Quality Incentive (Repealed)
 140.529 Reviews (Repealed)
 140.530 Basis of Payment for Long Term Care Services
 140.531 General Service Costs
 140.532 Health Care Costs
 140.533 General Administration Costs
 140.534 Ownership Costs
 140.535 Costs for Interest, Taxes and Rent
 140.536 Organization and Pre-Operating Costs
 140.537 Payments to Related Organizations
 140.538 Special Costs
 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
 140.541 Salaries Paid to Owners or Related Parties
 140.542 Cost Reports-Filing Requirements
 140.543 Time Standards for Filing Cost Reports
 140.544 Access to Cost Reports (Repealed)
 140.545 Penalty for Failure to File Cost Reports
 140.550 Update of Operating Costs
 140.551 General Service Costs
 140.552 Nursing and Program Costs
 140.553 General Administrative Costs
 140.554 Component Inflation Index
 140.555 Minimum Wage
 140.560 Components of the Base Rate Determination
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 140.562 Nursing Costs
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 140.565 Koshier Kitchen Reimbursement
 140.566 Out-of-State Placement
 140.567 Level II Incentive Payments (Repealed)
 140.568 Duration of Incentive Payments (Repealed)
 140.569 Clients With Exceptional Care Needs
 140.570 Capital Rate Component Determination
 140.571 Capital Rate Calculation
 140.572 Total Capital Rate
 140.573 Other Capital Provisions
 140.574 Capital Rates for Rented Facilities
 140.575 Newly Constructed Facilities (Repealed)
 140.576 Renovations (Repealed)
 140.577 Capital Costs for Rented Facilities (Renumbered)
 140.578 Property Taxes
 140.579 Specialized Living Centers
 140.580 Mandated Capital Improvements (Repealed)

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140.581 Qualifying as Mandated Capital Improvement (Repealed)
 140.582 Cost Adjustments
 140.583 Campus Facilities
 140.584 Illinois Municipal Retirement Fund (IMRF)
 140.590 Audit and Record Requirements
 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
 140.643 In-Home Care Program
 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
 140.647 Description of Developmental Training (DT) Services
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
 140.650 Certification of Developmental Training (DT) Programs
 140.651 Decertification of Day Programs
 140.652 Terms of Assurances and Contracts
 140.680 Effective Date of Payment Rate
 140.700 Discharge of Long Term Care Residents
 140.830 Appeals of Rate Determinations
 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section
 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
 140.870 Sponsor Responsibilities (Repealed)
 140.875 Department Responsibilities (Repealed)
 140.880 Provider Qualifications (Repealed)
 140.885 Provider Responsibilities (Repealed)
 140.890 Payment Methodology (Repealed)
 140.895 Contract Monitoring (Repealed)
 140.896 Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Repealed)
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
 140.901 Functional Areas of Needs (Repealed)
 140.902 Service Needs (Repealed)
 140.903 Definitions (Repealed)
 140.904 Times and Staff Levels (Repealed)

140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Repealed)
 140.907 Midnight Census Report (Repealed)
 140.908 Times and Staff Levels (Repealed)
 140.909 Statewide Rates (Repealed)
 140.910 Referrals (Repealed)
 140.911 Basic Rehabilitation Aide Training Program (Repealed)
 140.912 Interim Nursing Rates (Repealed)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
 140.920 General Description
 140.922 Covered Services
 140.924 Maternal and Child Health Provider Participation Requirements
 140.926 Client Eligibility (Repealed)
 140.928 Client Enrollment and Program Components (Repealed)
 140.930 Reimbursement
 140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Repealed)
 140.942 Definition of Terms (Repealed)
 140.944 Notification of Negotiations (Repealed)
 140.946 Hospital Participation in ICARE Program Negotiations (Repealed)
 140.948 Negotiation Procedures (Repealed)
 140.950 Factors Considered in Awarding ICARE Contracts (Repealed)
 140.952 Closing an ICARE Area (Repealed)
 140.954 Administrative Review (Repealed)
 140.956 Payments to Contracting Hospitals (Repealed)
 140.958 Admitting and Clinical Privileges (Repealed)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Repealed)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Repealed)
 140.964 Contract Monitoring (Repealed)
 140.966 Transfer of Recipients (Repealed)
 140.968 Validity of Contracts (Repealed)
 140.970 Termination of ICARE Contracts (Repealed)
 140.972 Hospital Services Procurement Advisory Board (Repealed)

TABLE A
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TABLE F	Podiatry Service Schedule
TABLE G	Travel Service Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and 12-13 of the Illinois Public Aid Code [305 ICs 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 83 8, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; pretermptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13243, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; pretermptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; pretermptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; pretermptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment

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at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; emergency amendment at 10 Ill. Reg. 15211, effective September 12, 1986; for a maximum of 150 days; amended at 10 Ill. Reg. 16729, effective September 18, 1986; amended at 10 Ill. Reg. 1742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.90 thru 140.912 and 140.913 and 140.914 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 and 147.207 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections

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140.940 thru 140.972 reclassified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10437, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12503, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10377, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 3, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 12082, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 12362, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg.

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18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17316, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3352, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 12186, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 6, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a

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maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20599, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2913, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10254, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9312, effective August 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19496, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23

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Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.481 Payment for Medical Equipment, Supplies, and Prosthetic Devices and Hearing Aids

- a) Payment for Medical Equipment. Medical equipment is durable, reusable equipment such as wheelchairs, hospital beds, canes, walkers, etc. Payment for medical equipment is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department acquisition-cost. The maximum allowable rate of medical equipment is to be based on pricing for widely accepted quality items. The Department shall review and update the maximum allowable rate at least annually the median suggested retail price from the prices taken from the manufacturers' most recent price categories for widely accepted quality items. Widely accepted quality items are items which are not below average quality for like medical equipment and which are available statewide. After the initial acquisition-cost for each item of medical equipment is determined, as specified above, the Department shall review the most current categories from which the initial price was taken, and update the acquisition-costs at least annually. The maximum allowable rate established for each item of service shall be the least of:
 - 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists;
 - 2) Whenever available, the wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
 - 3) Whenever available, the Medicare allowable rate.
- b) Medical supplies are medical items which are not durable or reusable such as surgical dressings, dressings, disposable syringes, catheters, urinary bags, etc. Payment is made for medical supplies made for covered items at the lesser of the provider's charge or the maximum allowable rate established by the Department acquisition-cost. The maximum allowable rate for each item of medical supplies shall be based on pricing for widely accepted quality items as defined in subsection (a) of this Section. The Department shall review and update the maximum allowable rate at least annually. The maximum allowable rate established for each item shall be the least of:
 - 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; the acquisition cost as the suggested retail price (as determined below) whenever availability or manufacturer's price plus 50 percent as derived

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~~from the most widely distributed catalog available.~~

- 2) Whenever available, the wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; ~~or the suggested retail price is determined as follows:~~

- A) ~~the median suggested retail price for each medical supply item is derived from all available medical supply catalogs and~~
- B) ~~the catalog that contains 60 percent or more of the median prices is chosen to determine the suggested retail price of all medical supply items.~~
- 3) Whenever available, the Medicare allowable rate. ~~Acquisition costs will be reviewed and updated for price changes at least annually.~~

- c) Payment for Prosthetic and Orthotic Devices. Prosthetic and orthotic devices include corrective or supportive devices prescribed to artificially replace a missing portion of the body, or to prevent or correct physical deformity or malfunction, or to support a weak or deformed portion of the body. Payment for prosthetic and orthotic devices is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department acquisition cost. The maximum allowable rate for each item of prosthetic and orthotic devices shall be based on pricing for widely accepted quality items as defined in subsection (a) of this Section. ~~The acquisition cost is determined by taking the average of the prices for each prosthetic device from all available prosthetic device catalogs after deleting the high and low prices. Acquisition costs will be reviewed and updated for price changes at least annually.~~ The Department shall review and update the maximum allowable rate at least annually. The maximum allowable rate established for each item shall be the least of:

- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists;
- 2) Whenever available, the wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or

- 3) Whenever possible, the Medicare allowable rate.

- d) Payment for hearing aids shall be made to allow dispensing of hearing aids for specific needs. The hearing aid shall be priced by the Department at the vendor's actual acquisition cost, without exceeding the Department's upper limits of reimbursement for the item. Acquisition cost is defined as the actual amount the supplying provider pays for the hearing aid(s). Any discounts, rebates or bonuses shall be subtracted when calculating the acquisition cost. The amount of any rebates or bonuses shall be prorated on all purchases for which the rebate or bonus was earned. The prorated share shall be subtracted when calculating the acquisition cost of the item. Verification of the vendor's acquisition cost must be attached

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to the request for reimbursement. In addition to payment for the acquisition cost, the Department will pay a dispensing fee. Payment for a dispensing fee shall include reimbursement for fitting, follow-up visits, shipping and retail mark-up. The Department shall review and update the maximum allowable rate at least annually.

- 1) To establish the maximum limit for the acquisition cost of the hearing aid, the Department shall review wholesale prices from available supply catalogs and provider price lists for the most widely accepted brands and types of technology.
- 2) To establish the maximum allowable rate for the dispensing fee, the Department shall use an average of available rates charged by audiologists for three hearing aid follow-up visits, not to exceed the Department's maximum allowable rate for a physician visit of low complexity for an established patient, plus the average of available shipping fees charged by the wholesaler for hearing aid shipping and an amount for the retail markup determined by taking 50 percent of the average wholesale price of the hearing aids reviewed.

(Source: Amended at 24 Ill. Reg. 651.3, effective January 3, 2000)

Section 140.497 Hearing Aids

- a) Hearing aids are reimbursed in accordance with Section 140.481(d). ~~Monaural hearing aids do not require prior approval and will be reimbursed at the actual acquisition cost of the aid plus an established professional dispensing fee. The actual acquisition cost is the actual payment by a supplier for the hearing aid, taking into account any discounts, rebates and bonuses. The full amount of the discount shall be subtracted when calculating the acquisition cost. The amount of any rebates or bonuses shall be prorated to all purchases on which the rebate for bonus was earned. The pro-rata share shall be subtracted when calculating the acquisition cost of the hearing aid.~~

- b) In order to be eligible for reimbursement from the Department for monaural hearing aids, the following criteria must be met:

- 1) When testing is performed in an acoustically treated sound suite:
- A) The hearing loss must be 20 decibels or greater at any two of the following frequencies: 500, 1000, 2000, 4000, 8000 Hertz; or
- B) The hearing loss must be 25 decibels or greater at any one of 500, 1000, 2000 Hertz.
- 2) When testing is performed in other than an acoustically treated sound suite:
- A) The hearing loss must be 30 decibels or greater at any two of the following frequencies: 500, 1000, 2000, 4000, 8000 Hertz; or
- B) The hearing loss must be 35 decibels or greater at any one

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- c) of 500, 1000, 2000 Hertz.
- 1) The following items are to be kept in the patient's file:
- 2) Audiogram
 - 3) Hearing Aid Evaluation Results
 - 4) Case history and identifying information
 - 5) Copy of Manufacturer's invoice with patient's name and hearing aid serial number.
 - 6) Copy of Manufacturer's invoice for ear mold, if applicable.
- d) Binaural hearing aids require prior approval (see Sections 140.40 through 140.42). ~~Binaural hearing aids shall be reimbursed at the actual acquisition cost of the aids plus an established professional dispensing fee.~~
- e) Payment for all hearing aids is contingent upon providers fitting and dispensing hearing aids in accordance with the requirements set forth in the Hearing Instrument Aid Consumer Protection Act [225 ILCS 50] ~~(Ill. Rev. Stat. 1987, ch. 117, par. 9461-1 et seq.)~~ and implementing Public Health regulations.

(Source: Amended at 24 Ill. Reg. 66 1 2, effective January 3, 2000)

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NOTICE OF EMERGENCY REPEALER

- 1) Heading of the Part: Land Sales Registration Act
- 2) Code Citation: 68 Ill. Adm. Code 1260
- 3) Section Numbers:
- | | |
|---------|-------------------|
| 1260.11 | Emergency Action: |
| 1260.12 | Repealed |
| 1260.13 | Repealed |
| 1260.14 | Repealed |
| 1260.15 | Repealed |
| 1260.16 | Repealed |
| 1260.17 | Repealed |
| 1260.18 | Repealed |
| 1260.19 | Repealed |
| 1260.21 | Repealed |
| 1260.22 | Repealed |
| 1260.31 | Repealed |
| 1260.32 | Repealed |
| 1260.33 | Repealed |
| 1260.41 | Repealed |
| 1260.42 | Repealed |

4) Statutory Authority: Implementing and authorized by the Land Sales Registration Act [PA 91-0338].

5) Effective Date of Repealer: January 1, 2000

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire: End of the 150-day period.

7) Date Filed with the Index Department: December 28, 1999

8) A copy of the emergency repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: OBRE is repealing this Part so it can adopt new rules that implement PA 91-338.

10) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2000 the Office of Banks & Real Estate will commence licensing under the Land Sales Registration Act. The emergency rules set forth definitions, registration requirements, and other administrative rules needed to implement the new program until permanent rules can be adopted through the regular rulemaking process.

11) Are there any proposed amendments to this Part Pending? No

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12) Statement of Statewide Policy Objectives: This rule will not affect units of local government.

13) Information and questions regarding these repealers shall be directed to:

Name: Tom Schlenhardt
Address: Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 200
Springfield, Illinois 62701
Telephone: 217/782-3000

The full text of the Emergency Repealer begins on the next page:

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NOTICE OF EMERGENCY REPEALER

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE

PART 1260

LAND SALES REGISTRATION ACT OF 1989 (REPEALED)

SUBPART A: ADDITIONAL INFORMATION TO BE INCLUDED IN THE
APPLICATION FOR REGISTRATION

Section
1260.11 Information Regarding the Subdivider and Key Personnel
EMERGENCY
1260.12 Financial Statements
EMERGENCY
1260.13 Documents Evidencing the Title and Encumbrances
EMERGENCY
1260.14 Improvements
EMERGENCY
1260.15 Contracts and Conveyances
EMERGENCY
1260.16 The Public Property Report
EMERGENCY
1260.17 The Federal Property Report
EMERGENCY
1260.18 Additional Information
EMERGENCY
1260.19 Form of Application
EMERGENCY

SUBPART B: ADDITIONAL INFORMATION TO BE SUBMITTED
TO THE OFFICE OF BANKS AND REAL ESTATE

Section
1260.21 Information to be Submitted From Time to Time
EMERGENCY
1260.22 Information to be Submitted Within 30 Days of the Anniversary Date
EMERGENCY

SUBPART C: ADVERTISING AND SALES PROMOTION ACTIVITIES

Section
1260.31 Advertising Material to be Submitted to the Office of Banks and
EMERGENCY Real Estate
1260.32 Information Regarding Sales Meetings and Methods to be Submitted
EMERGENCY to the Office of Banks and Real Estate
1260.33 Guidelines for Statements Regarding Subdivided Land
EMERGENCY

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SUBPART D: EFFECTIVE DATE AND TIMETABLE FOR COMPLIANCE
BY CURRENT REGISTRANTSSection
1260.41 Effective Date Generally

EMERGENCY 1260.42 Application to Subdivisions Currently Registered

EMERGENCY

AUTHORITY: Implementing Section 10 of the Illinois Land Sales Registration Act of 1989 [765 ILCS 85] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Sales Act, effective May 9, 1973; 5 Ill. Reg. 8914, September 4, 1981, effective August 20, 1981; codified at 5 Ill. Reg. 110367; transferred from Chapter I, 68 Ill. Adm. Code 260 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1260 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2948; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; old Part repealed by emergency rulemaking at 24 Ill. Reg. 5800, effective January 1, 2000, for a maximum of 150 days.

SUBPART A: ADDITIONAL INFORMATION TO BE INCLUDED IN THE
APPLICATION FOR REGISTRATION

Section 1260.11 Information Regarding the Subdivider and Key Personnel

EMERGENCY

The application required under Section 4 of the Act shall contain the following information:

- a) The form of business entity of the subdivider.
- b) The name and address of the agent of the subdivider in Illinois authorized to accept service of process on behalf of the subdivider.
 - 1) Such agent shall remain authorized to accept service of process on behalf of the subdivider so long as the subdivided lands are registered in Illinois, and for two years thereafter; provided, however, that, with the consent of the Office of Banks and Real Estate, a substitute agent may be designated.
 - 2) If there is no such agent, the subdivider must sign a consent authorizing the Commissioner of Banks and Real Estate to accept service of process on behalf of the subdivider as long as the subdivided lands are registered in Illinois and for two years thereafter.
- c) The name, current business address and occupations during the preceding five years of each officer, director, partner, member, proprietor, managing agent and substantial owner of the subdivider. A

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substantial owner is any person who, directly or indirectly, owns ten percent (10%) or more of the subdivision.

- d) The nature and present status of any legal or administrative proceeding pending in any jurisdiction during the past five years arising out of the sale or offering for sale of real estate naming as a party:
 - 1) The subdivider (or any predecessor entity).
 - 2) Any person named in subsection (c), above.
 - 3) Any business entity with which any person named in subsection (c), above, is associated as an officer, director, partner, member, proprietor, managing agent or substantial owner.
- e) The name, business address and business telephone of each Illinois real estate broker and real estate salesperson who sells or offers to sell the subdivided land. Every person who sells or offers to sell real estate subject to the Act shall be required to have a certificate of registration as a real estate broker or real estate salesperson issued pursuant to the "Real Estate License Act of 1983" [225 ILCS 445].
- f) The name of the custodian of the records required to be maintained under Section 10 of the Act, the address where such records are kept and the telephone number of the custodian.

Section 1260.12 Financial Statements

EMERGENCY

The application shall include, as exhibits:

- a) Certified financial statements showing assets, liabilities and profit (or loss) dated within three months of the date of the application.
- b) Sworn statements by responsible officials of the subdivider disclosing all material changes in such statements as of the date of the application.

Section 1260.13 Documents Evidencing the Title and Encumbrances

EMERGENCY

The application shall include, as exhibits, documents evidencing the state of the title, including, without limitation, all encumbrances, easements, restrictions, conditions and liens.

Section 1260.14 Improvements

EMERGENCY

The application shall set forth:

- a) A description of each improvement to the property which exists or which is proposed by the subdivider.
- b) A certified engineer's report stating whether the land is suitable for construction and maintenance of such improvements, setting forth with particularity any respects in which the land does not appear to be

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c) A construction schedule setting forth the scheduled date for completion of each improvement and the method to be used for financing construction of the improvement.

1) No improvement scheduled for completion more than ten years after the date of filing the application may be referred to in the public property report.

2) The Office of Banks and Real Estate may, at the time the application is submitted or from time to time thereafter, require the subdivider to furnish financial assurances, including a surety bond, for the purpose of protecting purchasers of lots in the subdivision when, in the judgment of the Office of Banks and Real Estate, there is a substantial possibility that the improvements will not be constructed and maintained in the manner represented by the subdivider.

d) A description of each action by a unit of government which is necessary to assure the construction and maintenance of each improvement, including:

1) Copies of each such completed action, including, without limitation, licenses, permits, approvals, agreements and zoning ordinances.

2) A report on the status of each such action which is not complete, including copies of any request for action and any response from the government unit.

Section 1260.15 Contracts and Conveyances**EMERGENCY**

The proposed contract, conveyance and any other document to be executed in connection with the sale of a subdivided lot shall be included as exhibits to the application. Such documents shall meet the following requirements.

a) All documents shall accurately describe the lot or lots being sold. Such description shall refer and conform to the map filed with the Office of Banks and Real Estate pursuant to the Act.

b) The contract shall contain a representation by the subdivider that the purchaser has been furnished with a copy of the public property report as required by the Act.

c) The contract shall contain a representation by the subdivider that the contract and the public property report contain all material representations made to the purchaser in connection with the sale.

d) The contract shall fully disclose any arrangements for financing the purchase between the subdivider (or any affiliated entity) and the purchaser.

e) The contract shall set forth the terms and conditions of any resale or exchange program available to the purchaser.

f) The contract shall require delivery of a deed meeting the requirements of subparagraph (g), below.

g) Contents of the Deed

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1) The deed shall convey fee simple title to the grantee, his heirs or assigns, with covenants on the part of the grantor that:

A) At the time of the making and delivery of such deed he was the lawful owner of an indefeasible estate in fee simple, in and to the premises therein described, and had good right and full power to convey the same;

B) The same were then free from all incumbrances; and

C) He warrants to the grantee, his heirs and assigns, the quiet and peaceable possession of such premises, and will defend the title thereto against all persons who may lawfully claim the same.

2) Such covenants shall be obligatory upon any grantor, his heirs and personal representatives. The deed shall also set forth any condition, reservation or restriction running with the land and applying to any part or all of the subdivision. The deed shall be in proper form so that it can be recorded.

(Source: Amended at 5 Ill. Reg. 8914, effective August 20, 1981)

Section 1260.16 The Public Property Report**EMERGENCY**

The Public Property Report required under Section 4(b) of the Act shall:

a) Describe the availability of fire and police protection, including the cost, the source of the protection and the distance from the subdivision.

b) State whether the property is periodically flooded, is in a flood plain, or is covered by standing water at any time during the year.

c) Set forth the following statement on the cover page:

"This report has been filed with the Office of Banks and Real Estate of the State of Illinois as required by law to provide the purchaser with the information about the subdivision. The Office does not approve or recommend the purchase of any land described in this report. The Office advises prospective purchasers to visit the subdivision before purchasing or entering any contract to purchase any property in the subdivision."

Section 1260.17 The Federal Property Report**EMERGENCY**

The application shall include as an exhibit the property report approved by the United States Office of Interstate Land Sales Registration.

Section 1260.18 Additional Information**EMERGENCY**

The application shall set forth such additional information consistent with the Act as may be required to assure full and fair disclosure to prospective

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purchasers.

Section 1260.19 Form of Application EMERGENCY

The subdivider shall submit the application in a readable and manageable form.

SUBPART B: ADDITIONAL INFORMATION TO BE SUBMITTED TO THE OFFICE OF BANKS AND REAL ESTATE

Section 1260.21 Information to be Submitted From Time to Time EMERGENCY

The subdivider shall report to the Office of Banks and Real Estate all material changes in any material submitted pursuant to the Act, including these rules, as soon as practicable after such changes become known to the subdivider.

Section 1260.22 Information to be Submitted Within 30 Days of the Anniversary Date EMERGENCY

Within 30 days after the renewal of any certificate pursuant to Section 5C of the Act, the subdivider shall submit the following information relating to the one-year period prior to the most recent anniversary date.

- A list setting forth the name and Illinois address of each purchaser from the subdivider.
- Any change in any material submitted pursuant to Section 4 of the Act or these rules necessary to make the material on file with the Office of Banks and Real Estate true and accurate as of the anniversary date. Without limiting the generality of the foregoing, the following shall be submitted:
 - A certified financial statement dated within three months of the anniversary date, together with sworn statements by responsible officials of the subdivider disclosing all material changes in such statements as of the anniversary date.
 - A report on the condition and status of each improvement as of the anniversary date.
 - Such additional information consistent with the Act as the Office may require to assure full and fair disclosure to prospective purchasers.

SUBPART C: ADVERTISING AND SALES PROMOTION ACTIVITIES

Section 1260.31 Advertising Material to be Submitted to the Office of Banks and Real Estate EMERGENCY

The subdivider shall submit to the Office the following material used in

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connection with any sale or offer to sell subdivided land within five days after the material is first so used:

- Copies of all brochures, pamphlets, and other advertising and promotional material distributed to any Illinois resident.
- Copies of all written advertisements in any newspaper, periodical or other publication distributed in Illinois.
- The text and a copy of each television advertisement shown on a television station which has Illinois residents in its viewing audience.
- The text of each radio advertisement broadcast on a radio station which has Illinois residents in its listening audience.

Section 1260.32 Information Regarding Sales Meetings and Methods to be Submitted to the Office of Banks and Real Estate EMERGENCY

The subdivider shall submit to the Office of Banks and Real Estate:

- Any sales kit or portfolio used by its salesmen, brokers or agents in making any sales or offers of subdivided real estate to any Illinois resident.
- A notice setting forth the time, place, location and person in charge of each event, however characterized, at which any sale or offer to sell subdivided land will be made by or on behalf of the subdivider. Such notice shall be furnished to the Office in writing no less than ten days in advance of the event. The Office shall be notified of any change in the time, place or location as soon as practicable. This subsection shall not apply to an event held in the residence of a prospective purchaser.

Section 1260.33 Guidelines for Statements Regarding Subdivided Land EMERGENCY

Statements in connection with a sale or offer of subdivided land, however made, shall meet the guidelines set forth below. These guidelines are not exhaustive, and such statements may be false or constitute a misrepresentation even though they do not violate any of the guidelines.

- Description of Subdivision and Its Location
 - Distance. Use of general terms to indicate distance shall be coupled with the distance in actual road miles. When another community is referred to, the road miles shall be calculated from the geographical center of the community.
 - Size of Tract. The size of the lot offered shall include the amount of land available for use by the purchaser, excluding any easements which make a portion of the land unusable. If easements are unusual in size, then this fact shall be noted. All maps, plats, representations or drawings shall show either the dimensions of the tract or the amount of acreage after deductions of easements.

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- 3) Use. A lot cannot be described in such a manner as to misstate the present condition or usefulness of the land. Statements, photographs or sketches portraying the use to which land can be put shall not be made unless the use is feasible with reasonable cost. For example, a lot cannot be described as a homestead unless water, electricity and sewage are available at reasonable cost.

- 4) Improvements.
- Maps, plats or representations shall indicate the date that development will be completed. If completion dates for sections are over a period of year, then a series of shadings, outlines, or coding may be used to indicate dates of completion.

- Pictorial representations of improvements shall accurately depict the present condition of the improvements; provided that artist's sketches or models can be used if all of the following disclosures are made:

- A representation that the improvements are not in the condition depicted and an accurate description of the present condition.
- The projected completion date for each improvement.
- Any costs to be assessed to purchasers of lots or fees to be charged to users of the improvement.

- 5) Rights of Way and Roads:

- References to legal access shall indicate whether such access is presently usable by automobiles.
- Reference to "roads" and "streets" shall indicate the nature of such roads and streets: For example, to be described as "improved" or "paved," roads and streets shall be constructed and surfaced according to the specifications of the local county, city, or other appropriate public authority.
- No reference to a road easement or right-of-way shall be made unless such easement or right-of-way has been dedicated to the public or to appropriate property owners and recorded in the public records of the county in which the property is located.
- Waterfront. Land shall not be referred to as "waterfront property" unless the property actually fronts on a body of water other than a canal.
- Description of the Subdivider. Names or trade styles which imply incorrectly that a subdivider is a non-profit organization shall not be used.
- Description of the Terms of Sale and Value.
 - Price and Value:
 - Predictions of price or value or investment increases of lots or parcels of lands over which the subdivider does not have control shall not be made.

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- References to the purchase price of any lot, parcel or unit of land must also include any additional compulsory assessments or costs to the prospective purchaser.
- Statements concerning future price increases by the subdivider shall be specific as to the amount and the date of the projected increase.
- No statements or devices, such as certificates, which refer to fictitious prices or illusory discounts shall be used.
- A lot shall not be termed "free" if the prospective purchaser is required to give any consideration and a lot shall not be termed for "closing costs only" when closing costs are substantially more than normal, or an additional lot must be purchased at a higher price.
- Taxes. All statements concerning taxes and amounts thereof shall employ the latest available figures.
- Financing. All statements concerning the terms available to finance the purchase of subdivided land shall disclose the costs to the purchaser, including the interest cost, of such financing. Statements negating certain costs (e.g., "no interest" or "no salesman's commissions") shall not be used.
- Refunds. All statements regarding any available refund arrangement shall disclose all the terms and conditions of such arrangement. The words "guaranteed" or "guaranteed refund" will not be used unless the arrangement is unconditional.

SUBPART D: EFFECTIVE DATE AND TIMETABLE FOR COMPLIANCE
BY CURRENT REGISTRANTS

Section 1260.41 Effective Date Generally

EMERGENCY

These rules take effect ten days after filing with the Secretary of State. All applications pending on the effective date shall be resubmitted to comply with these rules.

Section 1260.42 Application to Subdivisions Currently Registered

EMERGENCY

- All holders of certificates of registration shall, within 60 days of the effective date of these regulations, submit the additional information required under these rules.
- Notwithstanding the time limit set forth in Rule 2.02 (68 Ill. Adm. Code 1260.22), any holder of a certificate of registration which has an anniversary date prior to the expiration of the 60 day period allowed under subsection (a), above, may, in 1973, submit the information required by Rule 2.02 (68 Ill. Adm. Code 1260.22) at any time within such 60 day period.

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NOTICE OF EMERGENCY RULES

1) Heading of the Part: Land Sales Registration Act2) Code Citation: 68 Ill. Adm. Code 12603) Section Numbers: Emergency Action:

1260.100 New Section
 1260.105 New Section
 1260.110 New Section
 1260.115 New Section
 1260.120 New Section
 1260.125 New Section
 1260.130 New Section
 1260.135 New Section
 1260.140 New Section
 1260.145 New Section
 1260.150 New Section
 1260.200 New Section
 1260.205 New Section
 1260.300 New Section
 1260.305 New Section
 1260.400 New Section
 1260.405 New Section

4) Statutory Authority: Implementing and authorized by the Land Sales Registration Act (PA 91-0338).5) Effective Date of Rule: January 1, 20006) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: End of the 150 day period.7) Date Filed with the Index Department: December 28, 1999

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Pursuant to Public Act 91-0338, effective January 1, 2000 the Office of Banks & Real Estate will commence administering the Land Sales Registration Act. Drafting of the rules has just been completed, and to ensure that the new Act will have rules for the administration of the Act, emergency rules are necessary until permanent rules can be adopted through regular rulemaking.10) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2000 the Office of Banks & Real Estate will commence registration of the Land Sales Registration Act. The emergency rules set

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forth definitions, registration requirements, and other administrative rules needed to implement the new program until permanent rules can be adopted through the regular rulemaking process.

11) Are there any proposed amendments to this Part Pending? No12) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.13) Information and questions regarding this rule shall be directed to:

Tom Schlenhardt
 Legislative Liaison
 Office of Banks & Real Estate
 500 East Monroe, Suite 200
 Springfield, Illinois 62701
 217/782-3000

The full text of the Emergency Rule begins on the next page:

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NOTICE OF EMERGENCY RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE

PART 1260

LAND SALES REGISTRATION ACT OF 1999

SUBPART A: ADDITIONAL INFORMATION TO BE INCLUDED IN THE
APPLICATION FOR REGISTRATION OR EXEMPTIONSection
1260.100 Information Regarding the Subdivider and Key Personnel

EMERGENCY

1260.105 Financial Statements

EMERGENCY

1260.110 Documents Evidencing the Title and Encumbrances

EMERGENCY

1260.115 Improvements

EMERGENCY

1260.120 Contracts and Conveyances

EMERGENCY

1260.125 Public Property Report

EMERGENCY

1260.130 Fees

EMERGENCY

1260.135 Abbreviated Registration

EMERGENCY

1260.140 Additional Information

EMERGENCY

1260.145 Form of Application

EMERGENCY

1260.150 Application for Exemption

EMERGENCY

SUBPART B: ADDITIONAL INFORMATION TO BE SUBMITTED
TO THE OFFICE OF BANKS AND REAL ESTATE

Section

1260.200

EMERGENCY

1260.205

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OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY RULES

1260.305 Guidelines for Statements Regarding Subdivided Land
EMERGENCY

SUBPART D: TRANSITION INFORMATION

Section

1260.400

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AUTHORITY: Implementing the Land Sales Registration Act of 1999 [765 ILCS 86] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Sales Act, effective May 9, 1973; 5 Ill. Reg. 8914, September 4, 1981, effective August 20, 1981; codified at 5 Ill. Reg. 11036; transferred from Chapter I, 68 Ill. Adm. Code 260 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1260 (Department of Professional Regulation) pursuant to PA 85-225, effective January 1, 1988, at 12 Ill. Reg. 2948; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-509, at 20 Ill. Reg. 11984; old Part repealed, new Part adopted by emergency rulemaking at 24 Ill. Reg. 691 effective January 1, 2000, for a maximum of 150 days.

SUBPART A: ADDITIONAL INFORMATION TO BE INCLUDED IN THE
APPLICATION FOR REGISTRATION OR EXEMPTIONSection 1260.100 Information Regarding the Subdivider and Key Personnel
EMERGENCY

The application required under Section 5-10 of the Act shall contain the following information:

- The form of business entity of the subdivider, including a certificate of authority to transact business in Illinois, if applicable.
- The name and address of the agent of the subdivider in Illinois authorized to accept service of process on behalf of the subdivider. Such agent shall remain authorized to accept service of process on behalf of the subdivider so long as the subdivided lands are registered in Illinois, and for two years thereafter. Provided, however, that, with the consent of the Office of Banks and Real Estate, a substitute agent may be designated. If there is no such agent, the subdivider must sign a consent authorizing the Office of Banks and Real Estate to accept service of process on behalf of the subdivider as long as the subdivided lands are registered in Illinois and for two years thereafter.
- The name, current business address, and residential address of each officer, director, partner, member, proprietor, managing agent and

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substantial owner of the subdivider. A substantial owner is any person who, directly or indirectly, owns 10% or more of the subdivision.

- d) The nature and present status of any legal or administrative proceeding pending in any jurisdiction during the past five years arising out of the sale or offering for sale of real estate naming as a party:

- 1) The subdivider (or any predecessor entity).
- 2) Any person named in subsection (c).
- 3) Any business entity with which any person named in subsection (c) is associated as an officer, director, partner, member, proprietor, managing agent or substantial owner.
- e) The name, current business address, telephone number, and Illinois real estate license number of any brokers and salespersons, located in the State of Illinois, who offer or sell subdivided land subject to the Land Sales Registration Act of 1999 (Act). A person who sells or offers to sell real estate subject to the Act shall hold a valid Illinois real estate broker or salesperson license issued pursuant to the Real Estate License Act of 2000, or its successor Act.
- f) The name of the custodian of records required to be maintained under Section 10 of the Act, the address where such records are kept and the telephone number of the custodian.

Section 1260.105 Financial Statements**EMERGENCY**

The application shall include, as exhibits, a certified financial statement showing assets, liabilities and profit (or loss) dated within 3 months after the date of the application. All financial statements submitted to the Office of Banks and Real Estate shall be certified by the chief financial officer of the applicant.

Section 1260.110 Documents Evidencing the Title and Encumbrances**EMERGENCY**

The application shall include, as exhibits, documents evidencing the state of the title, including, without limitation, all encumbrances, easements, restrictions, conditions and liens.

- a) Escrow Accounts - All escrow or other depository accounts required by the Act are to be in the control of a disinterested third party. The escrow account is to be held in a federally insured depository in the State of Illinois or the state in which the subdivision is located. The escrow agreement must be submitted to this Office for approval.
- b) Subordination of Blanket Encumbrances - To satisfy the requirements of Section 10-20(4) of the Act, the subordination clause of the blanket encumbrance must inure to the benefit of the individual lot purchasers and be legally sufficient to protect the rights of individual lot purchasers in the event of default by the mortgagor.

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- c) Release Clauses - Lots must be released on a random basis at no cost to the individual lot purchaser other than obligations of the purchaser stated in the contract.

Section 1260.115 Improvements**EMERGENCY**

The application shall set forth:

- a) A description of each improvement to the property which exists or which is proposed by the subdivider.
- b) A certified engineer's report stating whether the land is suitable for construction and maintenance of such improvements, setting forth with particularity any respects in which the land does not appear to be suitable.
- c) A construction schedule setting forth the scheduled date for completion of each improvement and the method to be used for financing construction of the improvement.
- 1) No improvement scheduled for completion more than ten years after the date of filing the application may be referred to in the public property report.
- 2) The Office of Banks and Real Estate may, at any time, require the subdivider to provide financial assurances for the completion of promised improvements as set forth in Section 5-10(d) of the Act. The Office of Banks and Real Estate may accept a registration from another jurisdiction, including as evidence that such assurances have been met in fulfillment of this requirement.
- d) A description of each action by a unit of government which is necessary to assure the construction and maintenance of each improvement, including:
 - 1) Copies of each such completed action, including, without limitation, licenses, permits, approvals, agreements and zoning ordinances.
 - 2) A report on the status of each such action which is not complete, including copies of any request for action and any response from the government unit.

Section 1260.120 Contracts and Conveyances**EMERGENCY**

The proposed contract, conveyance and any other document to be executed in connection with the sale of a subdivided lot shall be included as exhibits to the application. Such documents shall meet the following requirements.

- a) All documents shall accurately describe the lot or lots being sold. Such description shall refer and conform to the map filed with the Office of Banks and Real Estate pursuant to the Act.
- b) The contract shall contain a representation by the subdivider that the purchaser has been furnished with a copy of the public property report as required by the Act.

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- c) The contract shall contain a representation by the subdivider that the contract and the public property report contain all material representations made to the purchaser in connection with the sale.
- d) The contract shall fully disclose any arrangements for financing the purchase between the subdivider (or any affiliated entity) and the purchaser.
- e) The contract shall set forth the terms and conditions of any resale or exchange program available to the purchaser.
- f) The contract shall require delivery of a deed meeting the requirements of subsection (g).
- g) Contents of the Deed

- 1) The deed shall convey fee simple title to the grantee, his heirs or assigns, with covenants on the part of the grantor that:
- at the time of the making and delivery of such deed he was the lawful owner of an indefeasible estate in fee simple, in and to the premises therein described, and had good right and full power to convey the same;
 - the same were then free from all encumbrances; and
 - he warrants to the grantee, his heirs and assigns, the quiet and peaceable possession of such premises, and will defend the title thereto against all persons who may lawfully claim the same.
- 2) Such covenants shall be obligatory upon any grantor, his heirs and personal representatives. The deed shall also set forth any condition, reservation or restriction running with the land and applying to any part or all of the subdivision. The deed shall be in proper form so that it can be recorded.

Section 1260.125 Public Property Report

EMERGENCY

- a) The public property report as required under Section 5-10(a)(11) of the Act shall include the following statement in bolded type on the cover page:

"This report has been filed with the Office of Banks and Real Estate of the State of Illinois as required by law to provide the purchaser with the information about the subdivision. The Office does not approve or recommend the purchase of any land described in this report. The Office advises you to visit the subdivision before purchasing or entering any contract to purchase any property in the subdivision. If you received this report prior to signing a contract or agreement, you may cancel your contract or agreement by giving notice to the seller any time before midnight of the seventh day following the signing of the contract or agreement. If you did not receive this report before you signed a contract or agreement, you may cancel the contract or agreement any time within 2 years from the date of signing."

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- b) The Office of Banks and Real Estate may accept a federal property report or aptoperty report approved in another state, provided the property report contains information equivalent to or exceeds the requirements of Section 5-10(a)(11) of the Land Sales Registration Act of 1999.

Section 1260.130 Fees

EMERGENCY

The following non-refundable fees shall be paid to the Office of Banks and Real Estate for the functions performed by the Office of Banks and Real Estate under the Act.

Initial Registration Fees:

- Initial registration of subdivision.....\$1,500

Amendment Fees:

- Amendment adding contiguous filing to an existing registration..\$ 750

- Any other amendment to an existing registration.....\$ 150

Renewal Fees:

- Renewal of subdivision registration.....\$ 750

Miscellaneous Fees:

- Application for exemption.....\$ 250

- Roster of persons registered under this Act.....\$ 10

Section 1260.135 Abbreviated Registration

EMERGENCY

The Office of Banks and Real Estate may accept one of the following in lieu of some or all of the registration requirements of Section 5-10 of the Act:

- a) A completed Illinois registration application and a copy of the statement of record filed with respect to the subdivision pursuant to the Federal Interstate Land Sales Full Disclosure Act if the statement complies with the requirements of that Act and regulations pertinent to that Act;

- b) A completed Illinois registration application and an acceptable certificate of registration or other evidence of registration from another jurisdiction in which the requirements for registration are substantially the same or exceed those provided in the Act. Notwithstanding the requirements of Section 5-10, the Office of Banks and Real Estate may suspend or revoke any registration under this Section that includes any registration, property report, or similar disclosure documents accepted under this subsection if the registration, property report, or similar disclosure is suspended or revoked by the registering state or by the federal government.

Section 1260.140 Additional Information

EMERGENCY

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The application shall set forth such additional information consistent with the Act as may be required to assure full and fair disclosure to prospective purchasers.

Section 1260.145 Form of Application**EMERGENCY**

The subdivider shall submit the application in a readable and manageable form.

Section 1260.150 Application for Exemption**EMERGENCY**

A subdivider or the subdivider's agent may apply for an exemption as set forth in Section 5-5 of the Act, by submitting a letter of request accompanied by documentation substantiating the requested exemption and the required application fee.

SUBPART B: ADDITIONAL INFORMATION TO BE SUBMITTED
TO THE OFFICE OF BANKS AND REAL ESTATE

Section 1260.200 Information to be Submitted from Time to Time**EMERGENCY**

The subdivider shall amend or supplement its registration to report any material change in the information required by the Land Sales Registration Act of 1999. Such amendment or supplementation shall be made within 30 days after the occurrence of the material change. "Material change" means any change that alters the meaning or effect of an instrument or information, or any change which affects the rights or liabilities of any owner or purchaser.

Section 1260.205 Information to be Submitted with Annual Renewal**EMERGENCY**

A certificate of registration shall expire on June 30 following the date of issuance. In the absence of any reason or condition under Section 10-35 of the Act that might warrant the suspension or revocation of a registration, a certificate shall be renewed upon payment of the required fee and supporting documentation. The subdivider shall submit the following information relating to the previous one-year period. This information must be received by the Office of Banks and Real Estate no later than July 30, or a late fee will be assessed.

- a) A list setting forth the name and address of each purchaser from Illinois.
- b) Any change in any material submitted pursuant to Section 6 of the Act or this Part necessary to make the material on file with the Office of Banks and Real Estate true and accurate as of June 30. Without limiting the generality of the foregoing, the following shall be submitted:

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- 1) A certified financial statement dated within three months after the renewal date, together with sworn statements by responsible officials of the subdivider disclosing all material changes in such statements as of the renewal date.
- 2) A report on the condition and status of each improvement as of the renewal date.
- 3) Such additional information consistent with the Act as the Office may require to assure full and fair disclosure to prospective purchasers.

SUBPART C: ADVERTISING AND PROMOTIONAL ACTIVITIES

Section 1260.300 Submission of Advertising and Promotional Materials**EMERGENCY**

The Office of Banks and Real Estate may request advertising and promotional materials at any time.

Section 1260.305 Guidelines for Statements Regarding Subdivided Land**EMERGENCY**

Statements in connection with a sale or offer of subdivided land, however made, shall meet the guidelines set forth in this Section. These guidelines are not exhaustive, and such statements may be false or constitute a misrepresentation even though they do not violate any of the guidelines.

a) Description of Subdivision and Its Location

- 1) Distance. Use of general terms to indicate distance shall be coupled with the distance in actual road miles. When another community is referred to, the road miles shall be calculated from the geographical center of the community.
- 2) Size of Tract. The size of the lot offered shall include the amount of land available for use by the purchaser, excluding any easements which make a portion of the land unusable. If easements are unusual in size, then this fact shall be noted. All maps, plats, representations or drawings shall show either the dimensions of the tract or the amount of acreage after deductions of easements.
- 3) Use. A lot cannot be described in such a manner as to misstate the present condition or usefulness of the land. Statements, photographs or sketches portraying the use to which land can be put shall not be made unless the use is feasible with reasonable cost. For example, a lot cannot be described as a homesite unless water, electricity and sewage are available at reasonable cost.
- 4) Improvements.

- A) Maps, plats or representations shall indicate the date that development will be completed. If completion dates for sections are over a period of years, then a series of

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shadings, outlines, or coding may be used to indicate dates of completion.

B) All pictorial representations of improvements shall accurately depict the present condition of the improvements; provided that artist's sketches or models can be used if all of the following disclosures are made:

- i) A representation that the improvements are not in the condition depicted and an accurate description of the present condition.
- ii) The projected completion date for each improvement.
- iii) Any costs to be assessed to purchasers of lots or fees to be charged to users of the improvement.

5) Rights of Way and Roads.

- A) References to legal access shall indicate whether such access is presently usable by automobiles.
- B) Reference to "roads" and "streets" shall indicate the nature of such roads and streets. For example, to be described as "improved" or "paved," roads and streets shall be constructed and surfaced according to the specifications of the local county, city, or other appropriate public authority.

- C) No reference to a road easement or right-of-way shall be made unless such easement or right-of-way has been dedicated to the public or to appropriate property owners and recorded in the public records of the county in which the property is located.

6) Waterfront.

Land shall not be referred to as "waterfront property" unless the property actually fronts on a body of water other than a canal.

Description of the Subdivider. Names or trade styles which imply incorrectly that a subdivider is a non-profit organization shall not be used.

c) Description of the Terms of Sale and Value.

- 1) Price and Value:

A) Predictions of price or value or investment increases of lots or parcels of lands over which the subdivider does not have control shall not be made.

B) References to the purchase price of any lot, parcel or unit of land must also include any additional compulsory assessments or costs to the prospective purchaser.

C) Statements concerning future price increases by the subdivider shall be specific as to the amount and the date of the projected increase.

D) No statements or devices, such as certificates, which refer to fictitious prices or illusory discounts shall be used.

E) A lot shall not be termed "free" if the prospective purchaser is required to give any consideration and a lot shall not be termed for "closing costs only" when

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closing costs are substantially more than normal, or an additional lot must be purchased at a higher price.

2) Taxes. All statements concerning taxes and amounts thereof shall employ the latest available figures.

3) Financing. All statements concerning the terms available to finance the purchase of subdivided land shall disclose the costs to the purchaser, including the interest cost, of such financing. Statements negating certain costs (e.g., "no interest" or "no salesman's commissions") shall not be used.

4) Refunds. All statements regarding any available refund arrangement shall disclose all the terms and conditions of such arrangement. The words "guaranteed" or "guaranteed refund" will not be used unless the arrangement is unconditional.

d) Gifts and Promotions.

1) The words "gift", "award", "prize", or words of similar definition shall not be used in relation to merchandise or service if a consumer is charged a fee.

2) The words "sweepstake", "win", "selected", "contest", or words of similar definition shall not be used to create the impression that the promotion is a bona fide sweepstake or contest when that is not the case.

3) A subdivider or agent using a promotion in connection with the offering of an interest in real estate shall clearly disclose all of the following:

- A) The name and address of the subdivider and the subdivision.
- B) A statement that the promotion is intended to aid in selling an interest in real estate (i.e., homesite, etc.).

C) Complete rules of the promotion, including:

- i) Length of promotion.
- ii) Eligibility requirements.
- iii) A statement that no purchase is required, if applicable.
- iv) A statement that a scheduled tour of the property and attendance at a sales presentation is required, if applicable.
- v) The method of awarding prizes, gifts, vacations, discount vacations, or other benefits under the promotion; a complete and fully detailed description, including the approximate retail value, of all prizes, gifts, or benefits under the promotion.

SUBPART D: TRANSITION INFORMATION

Section 1260.400 Registrations Under Previous Act: Extension; Expiration EMERGENCY

All subdivisions registered under the Land Sales Registration Act of 1989 and in effect on January 1, 2000 shall remain in full force and effect after

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January 1, 2000 and shall be considered registered under this Part. All subdivision registrations shall expire on June 30, 2000. The Office of Banks and Real Estate shall provide notice of expiration to each registrant 60 days prior to the expiration date.

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- 1) Heading of the Part: Real Estate License Act
- 2) Code Citation: 68 Ill. Adm. Code 1450

3) Section Numbers:

Emergency Action:

1450.10	New Section
1450.15	New Section
1450.20	New Section
1450.25	New Section
1450.30	New Section
1450.35	New Section
1450.40	New Section
1450.50	New Section
1450.55	New Section
1450.60	New Section
1450.65	New Section
1450.70	New Section
1450.75	New Section
1450.80	New Section
1450.85	New Section
1450.90	New Section
1450.95	New Section
1450.100	New Section
1450.105	New Section
1450.110	New Section
1450.115	New Section
1450.120	New Section
1450.125	New Section
1450.130	New Section
1450.135	New Section
1450.140	New Section
1450.145	New Section
1450.150	New Section
1450.155	New Section
1450.160	New Section
1450.165	New Section
1450.170	New Section
1450.175	New Section
1450.180	New Section
1450.185	New Section
1450.190	New Section
1450.195	New Section
1450.200	New Section
1450.205	New Section
1450.210	New Section
1450.215	New Section
1450.220	New Section
1450.225	New Section

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1450.230 New Section
 1450.235 New Section
 1450.240 New Section
 1450.245 New Section
 1450.250 New Section
 1450.255 New Section
 1450.260 New Section
 1450.265 New Section
 1450.270 New Section
 1450.275 New Section
 1450.280 New Section
 1450.285 New Section
 1450.290 New Section
 1450.295 New Section
 1450.300 New Section
 1450.305 New Section
 1450.310 New Section
 1450.315 New Section
 1450.320 New Section
 1450.325 New Section
 1450.330 New Section
 1450.335 New Section
 1450.340 New Section

4) Statutory Authority: Implementing and authorized by the Real Estate License Act of 2000 [PA 91-245].

5) Effective Date of Rule: January 1, 2000

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: End of the 150 day period.

7) Date Filed with the Index Department: December 28, 1999

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Pursuant to public Act 91-245, effective January 1, 2000 the Office of Banks and Real Estate will commence administering the licensing program for Realtors. Drafting of the rules have just been completed and to ensure that the new Act will have rules for the administration of the Act, emergency rules are necessary until permanent rules can be adopted through regular rulemaking.

10) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2000 the Office of Banks and Real Estate will commence licensing

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under the new Real Estate Licensing Act of 2000. The emergency rules set forth definitions, license requirements, and other administrative rules needed to implement the new program until permanent rules can be adopted through the regular rulemaking process.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

13) Information and questions regarding these rules shall be directed to:

Name: Tom Schlenhardt
 Address: Legislative Liaison
 Office of Banks and Real Estate
 500 East Monroe, Suite 200
 Springfield, Illinois 62701
 Telephone: 217/782-3000

The full text of the Emergency Rules begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY RULE

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1450

REAL ESTATE LICENSE ACT OF 2000

SUBPART A: DEFINITIONS

Section
 1450.10 Definitions
 EMERGENCY

SUBPART B: LEASING AGENT

1450.15 Leasing Agent General Provisions
 EMERGENCY
 1450.20 Leasing Agent Examination Requirement
 EMERGENCY
 1450.25 Sponsor Card for Leasing Agents
 EMERGENCY
 1450.30 Issuance of Leasing Agent License
 EMERGENCY
 1450.35 Termination of Employment of Leasing Agent
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 1450.40 120 Day Leasing Agent Permit
 EMERGENCY
 1450.50 Continuing Education Requirement for Leasing Agents
 EMERGENCY
 1450.55 Approved Courses, Schools and Instructors for Leasing Agents
 EMERGENCY

SUBPART C: LICENSING AND EDUCATION

1450.60 Educational Requirements to Obtain a Broker's or Salesperson's
 EMERGENCY License
 1450.65 Salesperson and Broker Examinations
 EMERGENCY
 1450.70 Applications for Salesperson's and Broker's Licenses by Examination
 EMERGENCY
 1450.75 Sponsor Cards for Brokers and Salespersons
 EMERGENCY
 1450.80 Branch Offices
 EMERGENCY
 1450.85 Corporations, Limited Liability Companies, Partnerships, and
 EMERGENCY Limited Partnerships
 1450.90 Assumed Name
 EMERGENCY

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SUBPART D: COMPENSATION AND BUSINESS PRACTICES

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 1450.185 Disclosure of Compensation
 EMERGENCY
 1450.190 Disclosure of Licensee Status
 EMERGENCY
 1450.195 Brokerage Agreements and Listing Agreements
 EMERGENCY
 1450.200 Written Agreements
 EMERGENCY

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1450.205 Referral Fees and Affinity Relationships
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SUBPART E: AGENCY RELATIONSHIPS

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1450.235 Otherwise Discipline
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1450.240 Dissolution: Effect of Suspension or Revocation of Sponsoring
EMERGENCY Brokers or Managing Brokers
1450.245 Inspections and Audits
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1450.250 Case File Review Committee
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1450.255 Hearings
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1450.275 Pre-License Schools and Instructors
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1450.320 Granting Variances
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1450.325 Salesperson Applicants - Transition Provisions
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1450.330 Broker Applicants - Transition Provisions
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1450.335 Continuing Education - Transition Provisions
EMERGENCY
1450.340 Education License Renewals - Transition Provisions
EMERGENCY

AUTHORITY: Implementing the Real Estate License Act of 2000 [225 ILCS 455] and authorized by Section 60(7) of the Illinois Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (General Rules), effective December 4, 1974; Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (School Rules), effective July 29, 1974; amended at 3 Ill. Reg. 895, effective February 2, 1979; amended at 4 Ill. Reg. 195, effective August 12, 1980; amended at 5 Ill. Reg. 5343, effective May 6, 1981; amended at 5 Ill. Reg. 8344, effective August 10, 1981; codified at 5 Ill. Reg. 11064; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2406, effective February 3, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8221, effective July 1, 1982; amended at 9 Ill. Reg. 341, effective January 3, 1985; transferred from Chapter I, 68 Ill. Adm. Code 450 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1450 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2977; amended at 12 Ill. Reg. 8036, effective April 26, 1988; amended at 15 Ill. Reg. 10416, effective July 1, 1991; amended at 16 Ill. Reg. 3204, effective February 14, 1992; emergency amendment at 19 Ill. Reg. 12003, effective August 8, 1995, for a maximum of 150 days; amended at 19 Ill. Reg.

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16623, effective December 1, 1995; amended at 20 Ill. Reg. 6492, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 3602, effective March 7, 1997; amended at 21 Ill. Reg. 8350, effective June 30, 1997; old Part repealed and new Part adopted by emergency rulemaking at 24 Ill. Reg. 704, effective January 1, 2000.

SUBPART A: DEFINITIONS

Section 1450.10 Definitions
EMERGENCY

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for purposes of this Part.

"Act" means the Real Estate License Act of 2000 [225 ILCS 453].

"Affidavit of Non-participation" means a sworn statement made by an unlicensed person associated with or an owner of a licensed real estate corporation, limited liability company, partnership, or limited partnership attesting that the unlicensed person is not actively directing or engaging in real estate activities as part of that association or ownership.

"Compliance Agreement" means an agreement entered into between a licensee and OBRE in conjunction with an administrative warning letter.

"Credit hour" means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance learning program approved by OBRE.

"Good moral character" means a reliable and trustworthy character as will enable a person to discharge the duties of a real estate licensee in a manner which protects the public's interest and welfare. Evidence of inability to discharge such duties may include the commission of conduct violative of Section 20-20 of the Act.

"Managing broker" means a broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker. Refer to the definition of sponsoring broker below.

"Moral turpitude" means conduct that is inherently base, depraved or vile.

"Office" means a real estate broker's place of business where the

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general public is invited to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business. When determining whether an office exists the following shall be considered by OBRE:

An office is any business location or structure which is owned, controlled, operated or maintained by a person who, at that location or structure, is:

- engaging in licensed activities;
- offering real estate services to consumers;
- holding out to the public that the person is engaged in the practice of real estate brokerage;
- maintaining original real estate documents and records related to active or pending transactions;
- maintaining current escrow records; or
- meeting consumers for the purpose of engaging in real estate licensed activities.

The following places do not constitute an office:

- a motor vehicle primarily used for transportation;
- a place whose purpose is solely devoted to advertising real estate matters of a general nature or to making a sponsoring broker's business name generally known;
- a place which a licensee uses solely for storage or archiving of records; or
- a licensee's residence unless held out to the public as a location at which real estate brokerage services are available to the public.

A licensee engaged in the practice of real estate brokerage shall maintain an office. If the licensee is sponsored by another, then the office shall be the office of the sponsoring broker.

A post office box, mail drop location, or other similar facility shall not constitute an office, so long as none of the activities described in this definition take place at this facility.

"Semester hours" shall be converted into quarter hours at a ratio of 2

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semester hours to 3 quarter hours.

"Sole owner" when used to describe a licensee means a licensee who has a 100% ownership interest alone, has ownership as a joint tenant or tenant by the entirety or holds 100% beneficial interest in a land trust.

"Sponsoring broker" means the broker who has issued a sponsor card to a sponsored salesperson, another licensed broker, or a leasing agent.

There shall be only one sponsoring broker for any one real estate company. According to the definition herein, the sponsoring broker is the entity holding the company real estate license, whether the entity is an individual who operates as a sole proprietorship, a partnership, limited liability company, corporation or registered limited liability partnership.

The entity that is the sponsoring broker for the real estate company may delegate its duties in accordance with company policy to appropriate company personnel, authorized to act and sign on behalf of the sponsoring broker.

Some examples include but are not limited to:

the sponsoring broker could authorize a managing broker for the company to sign sponsor cards in the name of the sponsoring broker;

the sponsoring broker could authorize a qualified company employee or independent contractor to oversee bookkeeping duties relative to the sponsoring broker's escrow account;

the sponsoring broker may delegate authorized signers for the escrow account to sign on behalf of the sponsoring broker; and

the sponsoring broker may delegate to authorized company personnel, the ability to sign contracts entered into by the sponsoring broker in accordance with the sponsoring broker's company policy.

SUPPORT B: LEASING AGENT RULES

Section 1450.15 Leasing Agent General Provisions

EMERGENCY

- a) A licensed leasing agent shall not engage in any licensed activities other than those activities relating to the leasing of residential

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real property. A licensed leasing agent may not offer or negotiate the sale or exchange of real estate, or engage in any other activities described in Section 1-10 of the Act not relating to the leasing of residential real estate.

- b) No person other than a duly authorized broker, salesperson, or leasing agent or individual working under a 120 day leasing agent permit shall engage in, for compensation, residential leasing activities for which a license is required under the Act.
- c) No leasing agent licensee may accept compensation for the performance of leasing agent activities except from the sponsoring broker by whom the licensee is employed.

Section 1450.20 Leasing Agent Examination Requirement

EMERGENCY

- a) OBRE or its designated testing service shall conduct the examinations at times and places as OBRE shall approve.
- b) If a person who has received a passing score on the examination fails to file an application and meet all requirements for a leasing agent license within one year after receiving a passing score on the examination, credit for the examination shall terminate. The person thereafter may make a new application for examination.
- c) If an individual has failed the examination three times, the individual must repeat the education requirement set forth in Section 5-10 of the Act prior to taking the examination again.

Section 1450.25 Sponsor Card for Leasing Agents

EMERGENCY

- a) Except for a person working under a 120 day leasing agent permit as provided in Section 1450.40 of this Subpart, no leasing agent licensee applicant may engage in the activities of a licensed leasing agent until a valid sponsor card has been issued to the applicant.
- b) A sponsoring broker shall prepare upon forms provided by OBRE and deliver to each leasing agent employed by the broker a sponsor card certifying that the person whose name appears thereon is in fact employed by that broker, and that the applicant has not practiced under a 120 day leasing agent permit for more than 120 days.
- c) A sponsor card properly issued pursuant to this Section shall serve as a temporary permit allowing the sponsored individual to engage in practice as a leasing agent until the applicant is issued a leasing agent license. An applicant may practice under a sponsor card temporary permit for a maximum of 45 days.
- d) A licensed real estate broker may issue a sponsor card to an individual only in the following circumstances:
 - 1) upon presentation of a leasing agent examination pass score report which states that the broker may issue a sponsor card; or
 - 2) upon presentation of an original leasing agent license which is

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endorsed by the broker by whom the leasing agent was previously employed.

- e) The sponsoring broker shall, within 24 hours after issuance of the sponsor card, submit the following to OBRE by certified or registered mail, return receipt requested, or other signature restricted delivery service.

1) For applicants for an initial leasing agent license:

- A) a copy of the sponsor card;
- B) a leasing agent examination pass score report which states that the broker may issue a sponsor card;
- C) a leasing agent license application that is signed by the applicant and on which all questions have been answered; and
- D) the license application fee required by Section 1450.95 of this Part.

2) For persons already holding a leasing agent license:

- A) a copy of the sponsor card; and
- B) the properly endorsed leasing agent license and pocket card of the sponsored licensee.

- f) A broker issuing a sponsor card shall retain a copy of the sponsor card until such time as the leasing agent license is received and properly displayed in the broker's office.

Section 1450.30 Issuance of Leasing Agent License**EMERGENCY**

- a) OBRE shall, within 30 days after receipt of the copy of the sponsor card and other documentation submitted by the issuing broker, issue a leasing agent license and a pocket card to the sponsored licensee or notify the applicant why the license cannot be issued.

- b) A leasing agent license shall be conspicuously displayed in the sponsoring broker's office. Each licensee shall carry on the licensee's person the licensee's pocket card or, if a pocket card has not yet been issued, a properly issued sponsor card, when engaging in any licensed activity. The licensee shall display the pocket card or sponsor card upon demand.

Section 1450.35 Termination of Employment of Leasing Agent**EMERGENCY**

- a) Upon termination of employment of a leasing agent licensee, the sponsoring broker shall immediately:

- 1) endorse the leasing agent's license as provided on that document;
- 2) submit a photocopy of the endorsed license to OBRE within 2 days after termination by certified mail, return receipt requested, or other signature restricted delivery service;
- 3) retain a copy of the endorsed license at least until the expiration date printed on that license; and
- 4) give the original endorsed license indicating the termination to

the licensee.

- b) Once a license is endorsed, the leasing agent licensee is prohibited from practicing until the licensee is again issued a properly completed sponsor card.

**Section 1450.40 120 Day Leasing Agent Permit
EMERGENCY**

- a) Pursuant to Section 5-5(d) of the Act, a person engaging in practice under the provisions of this Section shall first obtain a 120 day leasing agent permit. A permit holder shall comply with all provisions of the Act and this Subpart as if the permit holder were a licensee, and shall be subject to standards of practice and disciplinary provisions as if the permit holder were a licensee. A broker supervising a permit holder shall be responsible for the activities and actions of a permit holder as if the permit holder were a leasing agent licensee.

- b) Within 24 hours after employing a permit holder, a broker shall submit the following information to OBRE on forms provided by OBRE:

- 1) the name, address and other information as is requested by OBRE to identify the permit holder;
- 2) certification by the permit holder that the applicant has not been a leasing agent licensee within the past two years and that the applicant has not been a permit holder within the past two years;
- 3) certification that the permit holder is at least 18 years of age;
- 4) certification that the permit holder has successfully completed a four year course of study in a high school or secondary school or an equivalent course of study approved by the Illinois State Board of Education (e.g., GED); and
- 5) certification that the permit holder is at the time of leasing agent course of instruction approved by OBRE.

- c) Upon expiration of the 120 day leasing agent permit period, the permit holder shall immediately cease engaging in leasing agent activities unless the person has been issued a leasing agent sponsor card or a leasing agent license.

- d) A person shall not practice pursuant to a 120 day leasing agent permit more than once in any 24 month period. A person who has been a leasing agent licensee within the past 24 month period shall not practice as a 120 day permit holder.

**Section 1450.50 Continuing Education Requirement for Leasing Agents
EMERGENCY**

- a) Beginning with the July 31, 2000 renewal of licenses for leasing agents, and for every renewal thereafter, each leasing agent licensee shall complete during the 24 month period prior to that renewal a

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minimum of six hours of continuing education (CE) that is relevant to leasing residential real property and is approved by the Advisory Council. Approved courses shall, at a minimum, cover recent changes in the Act and other laws affecting the leasing of residential real estate and material regarding fair housing laws relating to the leasing of residential real property.

- b) A renewal applicant is not required to comply with these requirements for the first renewal following the original issuance of the applicant's leasing agent license.
- c) Continuing education schools, instructors, and courses must be approved by OBRE as provided in Section 1450.285 of this Part.
- d) Licensee compliance with CE requirements shall be certified pursuant to the following provisions:
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements of this Section.
 - 2) OBRE may, in the context of compliance audits, require additional evidence demonstrating compliance with the CE requirements (e.g., a certificate of attendance). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) In the context of a compliance audit, OBRE shall accept verification (e.g., original transcript, certificate of attendance) submitted directly from a school on behalf of a renewal applicant as proof of CE compliance.
 - 4) When there appears to be a lack of compliance with CE requirements, a licensee shall be subject to discipline pursuant to this Part and the Act.
- e) OBRE shall conduct audits pursuant to Section 1450.245 to verify compliance with this Section.

Section 1450.55 Approved Courses, Schools and Instructors for Leasing Agents EMERGENCY

All pre-license education courses, continuing education courses, schools and instructors relating to leasing agent licensure must be approved by the Advisory Council and licensed pursuant to Sections 1450.275 and 1450.285 of this Part.

SUBPART C: LICENSING AND EDUCATION

Section 1450.60 Educational Requirements to Obtain a Broker's or Salesperson's License EMERGENCY

- a) An applicant for a salesperson's license must have successfully completed 45 credit hours of instruction in an approved Real Estate Transaction Course or have received a baccalaureate degree including courses involving real estate or related material.

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- b) 120 credit hours of instruction in approved courses or a baccalaureate degree including courses involving real estate or related material are required for broker applicants. Credit shall be given for class hours successfully completed in the following manner:
 - 1) 45 credit hours for a Real Estate Transactions course;
 - 2) 15 credit hours for a Brokerage Administration course;
 - 3) 15 credit hours for Contracts and Conveyances;
 - 4) Credit for the remaining 45 class hours may be obtained by completing at least two of the following courses listed:
 - A) Appraisal
 - B) Property Management
 - C) Financing
 - D) Sales and Brokerage
 - E) Farm Property Management
 - F) Real Property Insurance

c) An applicant for a broker license who is licensed as an Illinois real estate salesperson is presumed to have completed a 45 credit hour Real Estate Transactions course provided that the licensee has not been nonrenewed for two years or more. Having received 45 class hours credit as a licensed real estate salesperson, an additional 45 class hours credit cannot be earned by taking a Real Estate Transactions course.

- d) "Courses involving real estate and related material" as set forth in Section 5-30 of the Act shall consist of the following:
 - 1) 30 semester hours in accounting, law, business law, finance, agriculture, computer science, land economics, real estate principles, and appraisal or related courses.
 - 2) No more than 10 semester hours shall be granted in any one subject listed in subsection (d)(1).
 - 3) At least 6 semester hours of the 30 semester hours listed in subsection (d)(1) shall be in courses in real estate principles. Thirty class hours in an approved real estate school may be substituted for 6 semester hours in real estate principles.

Section 1450.65 Salesperson and Broker Examinations EMERGENCY

- a) Each applicant for a salesperson's license shall file an application for examination as determined by the designated testing service. The application shall include:
 - 1) Certification that the applicant is 21 years of age or 18 having attained the education required by Section 5-25 of the Act. Forty-eight semester hours shall meet the minimum requirements of Section 5-25.
 - 2) Certification of graduation from high school or its equivalent (e.g., GED).
 - 3) The required fee as provided in Section 1450.95 of this Part.
 - 4) Proof of one of the following:

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- A) Currently admitted to practice law by the Supreme Court of Illinois;
- B) Completion of at least 45 class hours of instruction in real estate courses approved by the Advisory Council; or
- C) Completion of a correspondence course approved by the Advisory Council in accordance with Section 1450.295 of this Part; or
- D) Evidence of receiving a baccalaureate degree from a college or university with courses in real estate and related material as defined in Section 1450.60 of this Part.
- b) Each applicant for a broker's license shall file an application for examination as determined by the designated testing service. The application shall include:
- 1) Certification that the applicant is 21 years of age or 18 having attained the education required by Section 5-25 of the Act. Forty-eight semester hours shall meet the requirements of Section 5-25;
 - 2) Certification of graduation from high school or its equivalent (e.g., GED);
 - 3) The required fee as provided in Section 1450.95 of this Part;
 - 4) Proof of one of the following:

- A) Currently admitted to practice law by the Supreme Court of Illinois;
 - B) Completion of at least 120 hours of instruction in real estate courses approved by the Advisory Council in accordance with Section 1450.275;
 - C) Completion of a correspondence course approved by the Advisory Council in accordance with Section 1450.295 of this Part; or
 - D) Evidence of receiving a baccalaureate degree from a college or university with courses in real estate and related material as defined in Section 1450.60 of this Part.
- c) Applicants who complete the instruction described in subsection (b)(4)(B) above after the final filing date for an examination will be permitted to submit proof at the time of the examination, subject to the late fee and late proof procedures established by the testing service designated by OBRE.
- d) If an applicant has failed an examination 3 times, the applicant must repeat the pre-license education in order to be readmitted to sit for the examination.
- e) Pursuant to Section 5-35(c) of the Act, the 3 year time period does not apply to education earned as part of a baccalaureate degree program.

Section 1450.70 Applications for Salespersons and Brokers Licenses by Examination
EMERGENCY

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- a) Each applicant for a salesperson's license shall submit to OBRE:
- 1) An application which is signed by the applicant and on which all questions have been answered;
 - 2) The fee as provided by Section 1450.95 of this Part;
 - 3) Proof of successful completion of the examination authorized by OBRE;
 - 4) A properly completed sponsor card issued in accordance with Section 1450.75 of this Part.
- b) Each applicant for a broker's license shall submit to OBRE:
- 1) An application which is signed and on which all questions have been answered;
 - 2) The fee as provided by Section 1450.95 of this Part;
 - 3) Proof of successful completion of the examination authorized by OBRE;
 - 4) A properly completed sponsor card form issued in accordance with Section 1450.75 of this Part; and
 - 5) If the applicant will be a sponsoring broker, a properly completed consent to audit and examine special accounts form.
- c) An applicant shall have one year from the date of receipt of a passing score on the examination to file an application with OBRE and to meet all of the requirements for licensure.

Section 1450.75 Sponsor Cards for Brokers and Salespersons
EMERGENCY

- a) A properly issued sponsor card shall serve as a temporary permit allowing the sponsored individual to engage in the practice of real estate for a maximum of 45 days only for the sponsoring broker named on the sponsor card.
- b) The sponsoring broker shall issue a sponsor card to an individual only in the following instances:
- 1) Upon presentation of a real estate examination pass score report which states that the broker may issue a sponsor card;
 - 2) Upon presentation of an original license endorsed by the broker by whom the licensee was previously employed or with whom the licensee was previously associated; or
 - 3) Upon presentation of a license expired for less than 2 years.
- c) Upon issuance of a sponsor card, the issuing broker shall, within 24 hours after issuance, submit the following to OBRE by certified or registered mail return receipt requested or other signature restricted delivery service:
- 1) For Licensees
 - A) a copy of the sponsor card;
 - B) appropriate sponsor card fee as set forth in Section 1450.95 of this Part; and
 - C) one of the following:
 - i) the properly endorsed real estate license and pocket card of the sponsored licensee; or

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- ii) an expired license of the sponsored licensee along with the fee as provided by Section 1450.95 of this part and proof of education, if applicable, as required by Section 5-50 or 5-55 of the Act; or
- iii) the pocket card of the licensee and a sworn statement by the licensee explaining why the license is not submitted.

If neither the license nor pocket card is available, the status of the license shall be verified by the Director of Real Estate or his or her designee.

2) For Salesperson Applicants

- A) a copy of the sponsor card;
- B) a real estate pass score report which states that the broker may issue a sponsor card; and
- C) other documentation as required by Section 1450.70 of this Part.

3) For Broker Applicants

- A) a copy of the sponsor card;
- B) a real estate pass score report which states that the broker may issue a sponsor card; and
- C) other documentation as required by Section 1450.70 of this Part.

- 4) Should applicant be found not to have completed all the requirements, the applicant's sponsor card shall be void, the applicant shall be considered to have never been authorized to practice, and the applicant shall be subject to disciplinary action in accordance with Section 20-20 of the Act and Section 1450.220 of this Part.

- d) A licensed real estate broker may practice as a sole proprietor, partnership, corporation, or limited liability company provided that prior to doing business the broker complies with the licensing requirements for partnerships, corporations or limited liability companies set forth in Section 1450.85 of this Part, and submits the following to OBRE by certified or registered mail return receipt requested or other signature restricted delivery service:

- 1) a copy of the sponsor card issued to himself;
- 2) the appropriate sponsor card fee as provided by Section 1450.95(h)(2); and
- 3) one of the following:

- A) his or her properly endorsed real estate broker license and pocket card; or
- B) An expired broker license along with the fee set forth in Section 1450.95 and proof of education, if applicable, as required by Section 1450.105; or
- C) the pocket card and a sworn statement by the licensee explaining why the license is not submitted. If neither the license nor the pocket card is available, the status of the license shall be verified by the Director or his or her

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- designee; or
- D) a completed consent to audit and examine special accounts form if one is not already on file.
- e) OBRE shall, within 30 days after receipt of the sponsor card, appropriate fees and appropriate documentation, issue a license to the sponsored licensee, or notify the applicant why the license cannot be issued.

- f) Expiration of the Sponsor Card. A sponsor card shall be valid for a period of 45 days from issue date unless extended for an additional 45 days by OBRE for good cause.

- 1) Good cause shall be limited to those instances where OBRE has unnecessarily delayed the processing of a license.

- 2) The request for extension shall be considered granted only upon written notice thereof from OBRE.

- g) The sponsoring broker shall retain a copy of the sponsor card until the license is received.

- h) Upon termination of a licensee, a sponsoring broker shall immediately:
 - 1) Endorse the licensee's license as provided for on that document;
 - 2) Submit a photocopy of the endorsed license to OBRE within 2 business days after termination by certified or registered mail return receipt requested, or other signature restricted delivery service;

- 3) Retain a copy of the endorsed license at least until the expiration date printed on that license; and

- 4) Give the original endorsed license to the licensee.

- i) Once a license has been endorsed the licensee is prohibited from practicing real estate until the licensee is issued a properly completed sponsor card.

- j) Each licensee shall carry either a properly issued sponsor card or a valid pocket card at all times and shall display same upon demand.

Section 1450.80 Branch Offices

EMERGENCY

- a) A sponsoring broker wanting to operate a real estate branch office shall, in accordance with Section 5-45 of the Act, file an application with OBRE, on forms provided by OBRE, together with the following:

- 1) A properly completed Consent to Examine and Audit Special Accounts form;
- 2) The name and license number of the manager of the branch office; and
- 3) All required fees under Section 1450.95.

- b) Upon receipt of the above documents and review of the application, OBRE shall issue a license authorizing the sponsoring broker to engage in real estate activities at that branch office or shall notify the applicant of the reason for the denial of the license.

- c) The name of the branch office shall be the same as that of the main

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office, or shall clearly delineate the branch office's relationship with the main office (e.g., affiliated with, associated with, subsidiary of).

- d) The sponsoring broker shall not open a branch office or have licensees working from a branch office until after receipt of the branch office license.

Section 1450.95 Corporations, Limited Liability Companies, Partnerships, and Limited Partnerships EMERGENCY

- a) Persons who desire to practice real estate in this State in the form of a corporation, limited liability company, or partnership shall, in accordance with Section 5-15 of the Act, file an application with OBRE, on forms provided by OBRE, together with the following:

- 1) If an assumed name is to be used, a copy of the assumed name certificate;
 - 2) A Federal Employer Identification Number (FEIN). If a FEIN has not been issued, a photocopy of the FEIN application;
 - 3) A properly completed Consent to Examine and Audit Special Accounts form;
 - 4) A properly completed real estate corporation/limited liability company/partnership information form;
 - 5) The fee as provided by Section 1450.95 of this Subpart.
- b) All requirements for a license to practice as a corporation, limited liability company or partnership shall be met within 1 year after the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be considered for licensure, the applicant shall file a new application and fee.
- c) Corporations, in addition to the items listed in subsection (a) of this Section, shall submit the following:

- 1) The name of the corporation and its registered address, a list of all officers, and the license number for each officer who is licensed as a real estate broker;
 - 2) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State is also required;
 - 3) All unlicensed officers shall submit affidavits of non-participation with the corporation application. Licensed salespersons shall not be officers of the corporation even if they submit an affidavit of non-participation; and
 - 4) A list of all shareholders, the number of shares of the corporation owned and the license number for each shareholder who is a licensee.
- d) Limited liability companies, in addition to the items listed in

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subsection (a), shall submit the following:

- 1) The name of the limited liability company and its registered address, a list of all members, and the license number for each member who has an Illinois real estate license. If a member of the limited liability company is a business entity, the applicant shall identify any licensees who are owners, officers, managers, or partners of the business entity;

- 2) A list of all managers and their broker license numbers;

- 3) A copy of the Articles of Organization filed with the Secretary of State or, if it is a foreign limited liability company, a copy of the application for admission endorsed by the Secretary of State.

All unlicensed members shall submit with the limited liability company application affidavits of non-participation. Licensed salespersons shall not be managers of the limited liability company even if they submit an affidavit of non-participation.

- e) Partnerships, in addition to the items listed in subsection (a), shall submit the following:

- 1) An application containing the name of the partnership and its business address and the names of all general partners, and the broker license number of each general partner. Licensed salespersons shall not be general partners.
- 2) An affidavit stating that the partnership has been legally formed.

- f) Limited partnerships, in addition to the items listed in subsection (a), shall submit the following:

- 1) A letter of authority from the Secretary of State's Limited Partnership Department or, if it is a foreign limited partnership, a copy of the application for admission endorsed by the Secretary of State;

- 2) A listing of all general partners and, if any general partner is a real estate licensee, the broker license number for each licensed general partner;

- 3) All unlicensed general partners must submit with the partnership application affidavits of non-participation; and
- 4) If the general partner is an entity, the identity and license number of any brokerage licenses who are owners, managers, members or partners of the entity.

- g) In assessing the restrictions against a salesperson or leasing agent, or group of salespersons or leasing agents, owning, or directly or indirectly controlling, more than 49% of a corporation, limited liability company, or partnership, pursuant to Section 5-15(e) of the Act the following may be considered:

- 1) For corporations: OBRE may consider the role of any salespersons or leasing agents in any limited liability company or partnership that may have an interest in the corporation.
- 2) Limited liability companies: OBRE may consider the role of any salespersons or leasing agents in any corporation or partnership

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that may serve as a member or manager of the limited liability company.

- 3) Partnerships: OBRE may consider the role of any salespersons or leasing agents in any corporation or limited liability company that may serve as a limited partner. Additional information may be requested by OBRE as necessary to determine compliance with this restriction.

- h) Upon receipt of the above documents and review of the application, OBRE shall issue a license authorizing the corporation, limited liability company, or partnership to engage in the practice of real estate or shall notify the applicant of the reason for the denial of the license.

Section 1450.90 Assumed Name EMERGENCY

- a) If a sponsoring broker acting as a sole proprietor operates under any name other than that appearing on his or her license, the sponsoring broker shall submit to OBRE a certified copy of the broker's registration under the Assumed Business Name Act [805 ILCS 405]. The assumed business name registration shall be obtained in each county in which the assumed business name is used. Any corporation, limited partnership, general partnership or limited liability company operating under any name other than that appearing on its application for a license shall provide to OBRE a copy of the filing or certificate authorizing it to do business under an assumed name. Sponsored licensees may not operate under an assumed business name other than that of their sponsoring broker.
- b) The licensee shall submit the information to OBRE within 30 days after use of the assumed name.

Section 1450.95 Fees EMERGENCY

- a) License of a Leasing Agent.
 - 1) The application fee for an initial leasing agent license shall be \$50.
 - 2) The application fee to renew a leasing agent license shall be \$25 per year.
 - 3) The late renewal fee for leasing agent licenses renewed after the expiration date of the license shall be \$50.
 - 4) The fee for issuing a 120 day leasing agent permit shall be \$25.
- b) License of Real Estate Salesperson.
 - 1) The fee for an initial license as a salesperson is \$100. The fee must accompany the application to determine the applicant's fitness to receive a license.
 - 2) The fee for renewal of a salesperson's license which has not expired shall be calculated at the rate of \$25 per year.

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- 3) The fee for the renewal of a salesperson's license which has been expired for not more than 2 years, as provided for in Section 5-55 of the Act, is the sum of all lapsed renewal fees plus \$50.
- c) License of Broker.
 - 1) The fee for an initial license as a broker is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a broker's license which has not expired shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a broker's license which has been expired for not more than 2 years, as provided for in Section 5-55 of the Act, is the sum of all lapsed renewal fees plus \$50.
- d) License of Partnership, Limited Liability Company, or Corporation.
 - 1) The fee for an initial license for a partnership, limited liability company, or corporation is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a license for a partnership, limited liability company, or corporation shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a license for a partnership, limited liability company or corporation which has been expired is the sum of all lapsed renewal fees plus \$50.
- e) License for Branch Office.
 - 1) The fee for an initial license for a branch office is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a branch office license shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a branch office license which has been expired is the sum of all lapsed renewal fees plus \$50.
- f) Pre-license School, Instructor, and Course Fees.
 - 1) The fee for an application for initial approval of a pre-license school is \$1,000. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for renewal of approval of a pre-license school shall be calculated at the rate of \$500 per year.
 - 3) The fee for the renewal of approval of a pre-license school which has been expired is the sum of all lapsed renewal fees plus \$50.
 - 4) The fee for an application for initial approval of a branch for a pre-license school is \$150 per branch. The fee must accompany the application to determine an applicant's fitness to receive approval.
 - 5) The fee for renewal of approval of a branch for a pre-license school shall be calculated at the rate of \$100 per branch per year.
 - 6) The fee for the renewal of approval of a branch for a pre-license school which has been expired is the sum of all lapsed renewal fees plus \$50.

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- fees plus \$50.
- 7) The fee for transferring a branch location shall be \$25 per transfer.
 - 8) The fee for application for initial approval of a pre-license instructor is \$100. The fee must accompany the application to determine the applicant's fitness for approval.
 - 9) The fee for renewal of approval of a pre-license instructor shall be calculated at the rate of \$100 per year.
 - 10) The fee for the renewal of approval of a pre-license instructor which has been expired is the sum of all lapsed renewal fees plus \$50.
 - 11) The fee for application for initial approval of a pre-license course is \$100. The fee must accompany the application for approval.
 - 12) The fee for renewal of approval of a pre-license course shall be calculated at the rate of \$25 per year.
 - 13) The fee for the renewal of approval of a pre-license course which has been expired is the sum of all lapsed renewal fees plus \$50.
- Continuing Education School, Instructor, and Course Fees.
- 1) The fee for an application for initial approval as a continuing education (CE) school shall be \$2,000. The fee must accompany the application to determine an applicant's fitness for approval.
 - 2) The fee for renewal of approval as a CE school shall be \$2,000 per year.
 - 3) The fee for renewal of approval as a CE school which has expired shall be all lapsed renewal fees plus \$50.
 - 4) The fee for an application for initial approval as a CE instructor shall be \$50. The fee must accompany the application to determine an applicant's fitness to receive approval.
 - 5) The fee for renewal of approval as a CE instructor shall be \$50 per year.
 - 6) The fee for the renewal of approval as a CE instructor which has been expired shall be all lapsed renewal fees plus \$50.
 - 7) The fee for an application for initial approval of a CE course shall be \$100. The fee must accompany the application for approval.
 - 8) The fee for renewal of approval of a CE course shall be \$25 per year.
 - 9) The fee for renewal of approval of a CE course which has expired shall be all lapsed renewal fees plus \$50.

h) General.

- 1) All fees paid pursuant to the Act and this Section are non-refundable.
- 2) The fee for the issuance of a duplicate license or pocket card, for the issuance of a replacement license or pocket card for a license or pocket card which has been lost or destroyed, for the issuance of a license with a change of name or address other than during the renewal period, or for the issuance of a license with

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- 3) a change of location of business, is \$25.
- 3) The fee for a certification of a licensee's record for any purpose is \$25.
- 4) The fee for a wall license showing registration shall be the cost of producing the license.
- 5) The fee for a roster of persons licensed under the Act or for a list of licensees sponsored by the sponsoring broker shall be the cost of producing the roster.
- 6) Applicants for an examination as a leasing agent, broker, salesperson, or instructor shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.
- 7) The fee for requesting a waiver of continuing education requirements pursuant to Section 5-70 of the Act shall be \$25.
- 8) The fee for processing a sponsor card other than at the time of original licensure is \$25.
- 9) The fee for a copy of a transcript of the proceedings under Section 20-60(h) of the Act shall be the cost of a copy of the transcript. A copy of the balance of the record will be provided at OBRE's cost for producing the record.
- 10) The fee for certifying the record referred to in Section 20-75 of the Act is \$1 per page of the record.
- 11) OBRE may charge an administrative fee not to exceed \$500, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1450.250(d)(2).

Section 1450.100 Nonresident Licensure

EMERGENCY

- a) A nonresident broker's license shall be issued to a real estate broker licensed under the laws of his or her state of domicile under the following conditions:
 - 1) That the broker is the holder of an active broker's license in his or her state of domicile;
 - 2) OBRE has a reciprocal agreement with the broker's state of domicile that includes the provisions of this Section;
 - 3) That the standards of that state for licensing as a real estate broker are substantially equivalent to or greater than the minimum standards in Illinois;
 - 4) That the broker maintains a definite place of business in his or her state of domicile and has been actively engaged in the real estate business as a broker during the immediately preceding 2 years;

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5) The broker shall file an application, on forms furnished by OBRE, along with the required fee and:

A) a statement bearing the seal of the licensing authority from each state in which he or she is licensed, showing:

i) that he or she has an active license as a broker in that state;

ii) that the license is in good standing; and

iii) that no complaints are pending against the broker;

B) proof of passing an approved test on Illinois specific real estate brokerage laws;

C) if the broker does not maintain a definite office or place of business within the State of Illinois, a written statement which:

i) appoints the Commissioner to act as the broker's agent upon whom all judicial and other process may be served;

ii) acknowledges and agrees to abide by all of the provisions of the Act with respect to all of the broker's activities within and relating to the State of Illinois; and

iii) assents to jurisdiction of OBRE;

D) properly completed 45 day sponsor card form.

b) A nonresident salesperson's license may be issued to a real estate salesperson who is employed by or associated with a nonresident broker holding a broker license in this State under the following conditions:

1) That the salesperson is the holder of an active license in his or her state of domicile;

2) That the salesperson is domiciled in the same state as the broker with whom he or she is associated;

3) OBRE has a reciprocal agreement with the salesperson's state of domicile that includes the provisions of this Section;

4) That the standards of that state for licensing as a salesperson are substantially equivalent to or greater than the minimum standards in Illinois;

5) The salesperson shall file an application on forms furnished by OBRE, along with the required fee and:

A) a properly completed 45 day sponsor card form;

B) a statement bearing the seal of the licensing authority from each state in which he or she is licensed, showing:

i) that he or she has an active license as a salesperson in that state;

ii) that the license is in good standing; and

iii) that no complaints are pending against the salesperson;

C) proof of passing an approved test on Illinois specific real estate brokerage laws; and

D) if the salesperson does not maintain a definite office or place of business within the State of Illinois, a written

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statement which:

i) appoints the Commissioner to act as the salesperson's agent upon whom all judicial and other process may be served;

ii) acknowledges and agrees to abide by all of the provisions of the Act with respect to all of the salesperson's activities within and relating to the State of Illinois; and

iii) assents to jurisdiction of OBRE.

c) Licenses previously granted under reciprocal agreements with other states shall remain in force so long as OBRE has a reciprocal agreement with the state that includes the requirements of this Section, unless that license is suspended, revoked, or terminated by OBRE for any reason provided for suspension, revocation, or termination of a resident licensee's license. Licenses granted under reciprocal agreements may be renewed in the same manner as a resident's license. Any licensee who renews a license which was granted under a reciprocal agreement thereby assents to jurisdiction without regard to the location of the licensee's domicile or principal business location or office locations.

d) Any person holding a valid nonresident license under this Section shall be eligible to obtain a broker's or salesperson's license of the type granted to residents without examination should that person change his/her state of domicile to Illinois and that person otherwise meets the qualifications for licensure under this Act.

e) All requirements for nonresident licensure shall be met within 1 year after the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be reconsidered for licensure, the applicant shall file a new application and fee.

Section 1450.105 Renewals

EMERGENCY

a) Every leasing agent license issued under the Act shall expire on July 31 of each even numbered year.

b) Every salesperson's license issued under the Act shall expire on April 30 of each odd numbered year. All salespersons licenses which expire on March 31, 2001, pursuant to the Real Estate License Act of 1983 shall be extended to April 30, 2001.

c) Every broker's license issued under the Act shall expire on April 30 of each even numbered year. All broker licenses which expire on January 31, 2000, pursuant to the Real Estate License Act of 1983 shall be extended to April 30, 2000. Sponsoring brokers shall also submit a properly completed consent to audit and examine special accounts form.

d) Every license issued to a corporation, limited liability company, partnership, limited partnership, or branch office under the Act shall expire on October 31 of each even numbered year. The holder of the

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licensee shall submit the following:

- 1) A properly completed consent to audit and examine special accounts form; and
- 2) A properly completed change of business information form as provided for in Section 1450.110 of this Part.
- e) Renewal applications shall be submitted on forms provided by OBRE. All renewals shall include the name and license number of the sponsoring broker. Failure to receive a renewal form from OBRE shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- f) Practicing or offering to practice on an expired or inoperative license shall constitute unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-20 of the Act.
- g) Any leasing agent, salesperson, or broker whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fee provided that the license expired while the licensee was:
 - 1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States; or
 - 2) engaged in training or education under the supervision of the United States prior to induction into military service; or
 - 3) serving as the Director or Deputy Director of Real Estate in the State of Illinois, or as an employee of OBRE. A licensee renewing his or her license in accordance with this subsection may renew the license within a period of two years following the termination of service and are not required to take a refresher course or a retest.

- h) In accordance with Section 5-55 of the Act, any licensee whose license under this Act has expired for more than 2 years shall not be eligible for renewal of that license. Any licensee whose license has been expired for less than 2 years may renew the license at any time by complying with the requirements of this Section, by paying the fees required by Section 1450.95 of this Part and by providing OBRE with evidence that the licensee has satisfactorily completed the required continuing education courses, including six hours per year while the license was nonrenewed.

- i) In accordance with Section 5-50 of the Act, upon request, OBRE shall prepare and mail to the sponsoring real estate broker a listing of licensees who, according to the records of OBRE, are sponsored by that broker. The sponsoring broker shall notify OBRE concerning any inaccuracies in the listing within 30 days after its receipt.

Section 1450.110 Change of Information

EMERGENCY

- a) It is the responsibility of each licensee to immediately notify OBRE

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of any change of name, address, or office location. For example, if the licensee has had a name change either by court order or due to a change in marital status, the licensee shall notify OBRE of the name change together with a certified copy of the marriage certificate or portions of the court order relating to the name change, and indicate under which name the licensee shall issue. If the licensee regularly practices under a diminutive of their first name (e.g., Meg for Margaret or Mark for Mariusz or Sam for Shanin) or a middle name instead of the licensee's full legal name, the licensee shall notify OBRE of the licensee's full legal name. To help ensure proper credit, the licensee shall ensure that all continuing education certificates are issued under the name of licensee.

b) It is the responsibility of each sponsoring broker to immediately notify OBRE of any change of business information.

- 1) When a licensee acquires or transfers any interest in a corporation, limited liability company, partnership, or limited partnership licensed under the Act, the sponsoring broker shall submit to OBRE a properly completed change of business information form.
- 2) When a licensee becomes an officer or manager of a corporation, limited liability company, partnership, or limited partnership licensed under the Act, the sponsoring broker shall submit to OBRE a properly completed change of business information form. Any changes in managing brokers, branch or principal offices shall be reported in writing to OBRE within 15 days after the change.

Section 1450.115 Continuing Education
EMERGENCY

- a) Continuing Education Hour Requirements
 - 1) Pursuant to Article 5 of the Act, each licensee who is required to take continuing education (CE) shall complete 6 hours of CE for each year of the pre-renewal period in courses approved by the Advisory Council.
 - 2) Pursuant to Section 5-70 of the Act, CE requirements apply to those licensees who obtained initial licensure in Illinois on or after January 1, 1977 and those licensees who did not have a license for 15 years as of January 1, 1992. Continuous licensure is not required to be eligible for this exemption. However, if a license has been nonrenewed for a period of 2 years or more, the date of initial licensure, for purposes of this Section, shall be the date of licensure after that nonrenewed period.
 - 3) A renewal applicant is not required to comply with the CE requirements for the first renewal following original licensure if:
 - A) an initial salesperson's license was issued less than one year prior to the renewal date; or

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- B) a broker's license was issued to a person, not already licensed as a salesperson, less than one year prior to the renewal date.
- 4) Salespersons and brokers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 5-70(a) of the Act or subsections (a)(2) or (a)(3) above.
- 5) ORE shall conduct random audits to verify compliance with this Section.

b) Approved Continuing Education

- 1) CE credit may be earned for verified attendance at or participation in a course which is offered by an approved CE school that meets the requirements set forth in Section 1450.295 of this Part.
- 2) CE credit may also be earned for completion of a self-study course that is offered by an approved CE school that meets the requirements set forth in Section 1450.295 of this Part.
- 3) Pursuant to Section 5-70 of the Act, the CE requirement shall be satisfied by successful completion of the following:
- A) Core category. A minimum of 6 hours of CE in any one or more of the following core courses:
- i) License law and escrow;
 - ii) Anti-trust;
 - iii) Fair housing; and
 - iv) Agency.
- B) Elective category. A maximum of 5 hours of CE in the following elective courses:
- i) Appraisal;
 - ii) Property management;
 - iii) Residential brokerage;
 - iv) Farm property management;
 - v) Rights and duties of sellers, buyers and brokers;
 - vi) Commercial brokerage and leasing;
 - vii) Real estate financing; and
 - viii) Other CE courses approved by the Advisory Council (e.g., real estate tax laws).
- 4) One hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination as set forth in subsection (b)(6) below.
- 5) Each CE course shall include one or more subjects from either the core category or elective category set forth in subsection (b)(3)(A) or (b)(3)(B), where the individual is in actual attendance, or participates in, or completes self-study. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the core or elective category. In no case shall topics from the core and elective category be combined within the same

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- three-hour period. The CE school shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the core or elective category.
- 6) Each CE course shall include the successful completion of an examination which measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.
- A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination may be given either at the end of each individual course or it may be given at the end of the sequence of courses so long as the examination covers all aspects of the course material.
- B) All examinations, including self-study examinations and retake examinations, shall be proctored by a representative of the approved CE school and shall include at least 25 questions for each three-hour increment of CE earned.
- C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for that CE course unless the entire course is retaken and the examination is successfully completed.
- 7) Self-study CE shall comply with all of the requirements of this Section, except that:
- A) Verified attendance is only required for taking the examination.
 - B) Classroom instruction is not required for self-study CE, as the intent is for the licensees to review and learn the material on their own.
 - C) Acceptable self-study materials include, but are not limited to, reading material and audio/video cassettes.
 - D) The examination site for self-study CE shall be determined by the CE school, and it shall be proctored by a representative of the approved sponsor. An approved instructor is not required to proctor the examination.
- 8) All CE courses shall:
- A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of real estate;
 - B) Provide experiences (e.g., role playing, lectures, films) which contain subject matter and course materials relevant to that set forth in Section 5-70 of the Act; and
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the CE course.

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- 9) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or satellite communications with two-way voice interaction inassisting in the presentation of CE courses.
 - 10) Pursuant to Section 5-70(f) of the Act, CE credit may be earned by an approved instructor for teaching an approved CE course or pre-licence course also approved for CE. Credit for teaching an approved CE course may only be earned one time per course during a pre renewal period. One hour of teaching is equal to one hour of CE.
 - 11) As provided for in Section 5-75 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a \$25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Advisory Council shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent the Advisory Council shall use the criteria in Sections 5-70 through 5-85 of the Act and this Section.
 - 12) CE credit shall not be given for CE courses taken in Illinois from schools not pre-approved by OBRE.
 - 13) Except for self-study CE courses, no more than 6 hours of CE may be taken in any calendar day.
- c) Certification of Compliance with CE Requirements
- 1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b) of this Section.
 - 2) OBRE may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) In the context of an audit, OBRE shall accept verification (e.g., original transcript, certificate of completion) submitted directly from the school on behalf of the renewal applicant as proof of CE completed.
 - 4) When during an audit or compliance review, OBRE determines that a licensee may be deficient in complying with CE requirements, OBRE will notify the licensee, and the sponsoring broker of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is received to submit to OBRE evidence of compliance with CE requirements.

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- A) If satisfactory evidence of compliance with CE requirement (as set forth in subsections (c)(2) and (3) of this Section) is submitted, OBRE shall notify the licensee, and the sponsoring broker of the licensee, by first class mail, that the licensee is in compliance.
- B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1) of this Section but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may during the 60 days notice period submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of \$25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the licensee is found to be satisfactory, OBRE shall notify the licensee and the sponsoring broker of the licensee that the licensee is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.
- C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-20(a) of the Act regarding false or fraudulent representation to obtain a license and the continuing education requirements of Article 5 of the Act. OBRE shall send notice pursuant to Section 20-60 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring broker of the licensee.

Section 1450.120 Rental Finding Services

EMERGENCY

- a) Definition -- Application.
 - 1) A rental finding service is any business which finds, attempts to find, or offers to find, for any person who pays or is obligated to pay a fee or other valuable consideration, a unit of rental real estate or a lessee to occupy a unit of rental real estate, not owned or leased by the business.
 - 2) Any person, corporation, limited liability company, partnership, or limited partnership which operates a rental finding service shall be considered a broker or salesperson as defined in the

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Act, shall obtain a license pursuant to the Act, and shall comply with the provisions of this Section.

- 3) The provisions of this Section shall not apply to those exempted under Section 5-20 of the Act.
- b) Contract. A rental finding service shall, prior to accepting a fee or other valuable consideration for the services, enter into a written contract with the person for whom such services are to be performed and deliver to the individual a copy of the contract. The contract shall include in the case of a rental finding service which finds, offers, or attempts to find a unit of rental real estate for an individual, at a minimum, the following provisions:
 - 1) The term of the contract;
 - 2) The total amount to be paid for the services to be performed and a clear designation of the amount paid in advance of the performance of the services;
 - 3) A statement regarding the refund or nonrefund of the fee paid in advance, which shall include:
 - A) the precise conditions, if any, upon which a refund is based;
 - B) the fact that the conditions shall occur within 90 days from the date of the contract;
 - C) the fact that the refund shall be paid no later than 10 days after demand, provided the check has been honored;
 - 4) The statements required by subsection (b)(3) above shall be uniform in type of a size larger than that used for the balance of the contract;
 - 5) The type of rental unit desired, the geographical area requested, and the rent the prospective tenant is willing to pay;
 - 6) A detailed statement of rental finding services to be performed by the licensee, which services shall include, at a minimum, the delivery to the prospective tenant of all rental information as listed in subsection (c) below;
 - 7) A statement that the contract shall be null and void if information concerning possible rental units or locations furnished by the licensee is not current or accurate with respect to the type of rental unit desired and described in subsection (b)(5) above. A listing for a rental unit which has not been available for rent for over two days shall be prima facie proof of not being current;
 - 8) A statement that information furnished by the licensee concerning possible rental units may be up to 2 days old;
 - 9) A statement requiring the licensee to refund all fees paid in connection with the contract if the contract is null and void for any reason. The licensee shall not impose any condition for the refund and the contract shall state when the refund will be paid.

- c) Disclosure. Pursuant to subsection (b)(6) above, the following written information for each rental unit shall be provided to the person with

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whom the contract is entered into:

- 1) The name, address, and the telephone number of the owner of each rental unit, or his authorized agent;
- 2) A description of the rental unit;
- 3) The amount of rent requested;
- 4) The amount of security deposit required;
- 5) A statement describing utilities which are located in the rental unit and included in the rent;
- 6) The occupancy date and the term of lease;
- 7) A statement setting forth the source of the rental information (i.e., owner, agent);
- 8) All other information which may reasonably be expected to be of concern to the prospective tenant.
- d) Permission of Owner. A rental finding service shall not list or advertise any rental unit without the express written authority of the owner or agent of each unit.

SUBPART D: COMPENSATION AND BUSINESS PRACTICES

Section 14-50.125 Managing Broker Responsibilities
EMERGENCY

- a) The sponsoring broker shall inform OBRE in writing of the name and certificate number of all managing brokers employed by the sponsoring broker and the office or branch offices each managing broker is responsible for managing. Each managing broker shall have an active license as a broker.
- b) The sponsoring broker shall be responsible for issuing sponsor cards. However, the sponsoring broker may delegate that responsibility to one or more managing brokers.
- c) Upon written request within ten days after the loss of a managing broker, OBRE shall issue a written authorization to allow the continuing operation of a licensed office or branch office, provided that the sponsoring broker or representative under a duly executed power of attorney assumes responsibility, in writing, for the operation of the office and agrees to personally supervise the operations. No authorization shall be valid for more than 30 days unless extended by OBRE for good cause and upon written request by the sponsoring broker. Good cause includes circumstances as sales under contract pending closing, loss of livelihood for sales associates, and undue hardship caused to sellers.
- d) When a managing broker receives a renewal application from OBRE for a license supervised by the managing broker or employed by the sponsoring broker of the manager, he shall notify the licensee of the receipt, personally within 7 days or by certified or registered mail or other signature restricted delivery service within 10 days. The notice shall also inform the licensee that any unprocessed renewal form will be returned to OBRE by the managing broker. When a managing

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broker receives a renewal application from OBRE for a licensee not supervised by the managing broker or employed by the sponsoring broker of the managing broker, the renewal form shall immediately be returned to OBRE.

e) All managing brokers shall notify OBRE on business letterhead of any change of business address of the offices they manage within 24 hours of any change. OBRE shall, upon receipt, issue a change of address application which shall be returned within 10 days to OBRE along with the company license and the appropriate fees specified in Section 1450.95 of this Part. Change of address is required for all offices and branch offices. A license returned to OBRE for the reason described in this subsection shall remain in good standing until the new licenses are issued and in the possession of the licensee.

f) OBRE will honor the Order of a court of competent jurisdiction appointing a legal representative for the sole purpose of closing out the affairs of a deceased broker or a broker who has been adjudicated disabled, who was a sole proprietor, until the real estate brokerage is closed but not to actively engage in the brokerage business as defined in Section 1-10 of the Act.

Section 1450.130 Supervision

EMERGENCY

a) A managing broker shall exercise reasonable supervision over the activities of licensees and unlicensed assistants working in those offices managed by the managing broker. This would include:

- 1) the implementation of office policies and procedures established by the sponsoring broker;
- 2) training of licensees or unlicensed assistants;
- 3) assisting licensees as necessary in real estate transactions;
- 4) supervising those special (escrow) accounts over which the sponsoring broker has delegated responsibility to the managing broker in order to ensure compliance with the special (escrow) account provisions of the Act and this Part;
- 5) supervising all advertising of any service for which a license is required;
- 6) familiarizing sponsored licensees with the requirements of federal and state laws relating to the practice of real estate;
- 7) compliance with this Part for licensees and offices under his/her supervision.

b) The sponsoring broker shall remain ultimately responsible for compliance with this Part. The sponsoring broker shall name a managing broker for every office.

Section 1450.135 Discrimination

EMERGENCY

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a) No licensee shall enter into a listing agreement which prohibits the sale or rental of real estate to any person because of race, color, religion, national origin, sex, ancestry, age, marital status, physical or mental handicap, familial status, or any other class protected by Article 3 of the Illinois Human Rights Act [775 ILCS 5/1].

b) No licensee shall act or undertake to act as a real estate broker or real estate salesperson with respect to any property the disposition of which is prohibited to any person because of race, color, religion, national origin, sex, ancestry, age, marital status, physical or mental handicap, familial status, or any other class protected by Article 3 of the Illinois Human Rights Act.

Section 1450.140 Advertising

EMERGENCY

a) Deceptive and misleading advertising includes, but is not limited to, the following:

- 1) advertising a property that is subject to an exclusive listing agreement with a sponsoring broker other than the licensee's own without the permission of and identifying that listing broker; and
 - 2) failing to remove advertising of a listed property within a reasonable time, given the nature of the advertising, after the earlier of the closing of a sale on the listed property or the expiration or termination of the listing agreement.
- b) For the purposes of this Section and Section 1450.145 on Internet Advertising, listing information available on a sponsoring broker's or licensee's website, extranet or similar site but behind a firewall or similar device requiring a password, registration or other type of security clearance to access that information shall not be considered advertising.
- c) For the purposes of this Section and Section 1450.145 on Internet Advertising, unsolicited marketing of a licensee's real estate brokerage services and farming (prospecting) shall be considered advertising.

Section 1450.145 Internet Advertising

EMERGENCY

a) Definitions. For the purposes of this Section, these terms shall be defined as follows:

- 1) Advertising or marketing real property: An Internet site which consists of information regarding properties which have been listed with a real estate brokerage company, the identity of that real estate brokerage company or licensee for each property and information related to those properties.
- 2) Advertising or marketing of real estate brokerage services: An Internet site which includes an offer or solicitation to provide

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services related to marketing or identifying real property for sale or lease.

3) Page: Each html document. This can include several screens of information that are viewed by scrolling down to the end of the document.

4) Frame: This refers to that portion of the Web page that does not change when the user links to a different site or moves to different pages.

5) Scraping: This term refers to using or altering existing listing information or keywords that are copied from one Internet site and posted or displayed for the benefit of the general public in front of a firewall at another site without written or electronic authorization and disclosure of ownership. Written or electronic authorization will be presumed to have been granted if the listing information has been placed with a nationwide aggregator of listing information for display on an Internet site.

b) A sponsoring broker which has authorized advertising or marketing real property must include on the page on which the company or firm's advertisement or marketing appears the following data:

1) the city or geographic area in which the property being advertised or marketed is located;

2) the company's name as registered with OBRE or the assumed name it has registered with OBRE (commonly recognized abbreviations are permitted);

3) if the sponsoring broker does not hold a real estate brokerage license for the jurisdiction in which the property is located, the regulatory jurisdictions in which the sponsoring broker does hold a real estate brokerage license; and

4) if this information is contained on the frame on every page of the site.

c) A sponsoring broker advertising or marketing real estate brokerage services must include on the company's home page or on a clearly identified link appearing on that page the following data:

1) the company or firm's name as registered with OBRE or the assumed name as it has registered with OBRE (commonly recognized abbreviations are permitted); and

2) the city and state in which the company's principal office is located.

If this information is contained on the frame on the sponsoring broker's site, it does not have to be included on every page of the site.

d) Any licensee who has authorized advertising or marketing real property must include on the page of the site on which the licensee's advertisement or information appears the following data:

1) the licensee's name;

2) the city or geographic area in which the property being advertised or marketed is located;

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3) the name of the company with which the licensee is affiliated as that company name is registered with OBRE or the assumed name it has registered with OBRE (commonly recognized abbreviations are permitted);

4) if the licensee does not hold a real estate broker or salesperson license for the jurisdiction in which the property is located, the regulatory jurisdictions in which the licensee does hold a real estate broker or salesperson license; and

5) if this information is contained on the frame on the licensee's site, it does not have to be included on every page of the site.

e) A licensee advertising or marketing real estate brokerage services must include on his or her home page the following data:

1) the licensee's name;

2) the name of the company with which the licensee is affiliated as that company name is registered with OBRE or the assumed name it has registered with OBRE (commonly recognized abbreviations are permitted); and

3) the city and state in which the licensee's office is located. If this information is contained on the frame on the licensee's site, it does not have to be included on every page of the site.

f) A sponsoring broker using e-commerce or electronic communications, such as e-mail, e-mail discussion groups and bulletin boards for marketing or transactional purposes, must include on the first or last page of all communications the following data:

1) the company or firm's name as registered with OBRE or the assumed name it has registered with OBRE (commonly recognized abbreviations are permitted); and

2) the city and state in which the sponsoring broker's main office or the office from which the communication originated is located.

This subsection shall not apply to communications between a sponsoring broker and a member of the public provided that the member of the public has sent a communication to the licensed company and that the sponsoring broker's initial communication contained the information required in this subsection (f).

g) Any licensee using e-commerce or electronic communications, such as e-mail, e-mail discussion groups, and bulletin boards, for marketing or transactional purposes, must include on the first or last page of all communications the following data:

1) the licensee's name;

2) the name of the company with which the licensee is affiliated as that company name is registered with OBRE (commonly recognized abbreviations are permitted); and

3) the city and state in which the licensee's office is located.

This subsection shall not apply to communications between a licensee and a member of the public provided that the member of the public has sent a communication to the licensee and that the licensee's initial communication contained the information required above in this subsection (g).

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- h) It will be considered to be a violation of the Act and this Part if a licensee or sponsoring broker scrapes, as defined in this Section, listing information from another site, listing information obtained from another Internet site and placed behind a firewall or other device which is password protected or requires registration by the consumer in order to access that information need not identify the original listing broker.
- i) A sponsoring broker or licensee may link to listing information from another Internet site without approval unless the owner of the site linked to specifically requires consent. Any link must be done in a way that does not mislead or deceive the public as to the ownership of any listing information.
- j) All licensees, including sponsoring brokers, shall periodically review the advertising and marketing information on their site and update as necessary to assure that the information is current and not misleading.

Section 1450.150 Office Identification Signs**EMERGENCY**

- a) An identification sign on the outside of an office shall be of a size and nature that they will be reasonably readable by the public. Listings within building directories fulfill the requirements of this Section.
- b) Office identification signs must be professional in appearance and meet all applicable zoning restrictions and applicable restrictive covenants.
- c) The identification sign must be plainly visible from an area accessible to the public.

Section 1450.155 Display of Licenses**EMERGENCY**

The original licenses of all licensees must be displayed in the office in which they primarily work and in a manner that they will be visible and physically accessible to the public. "Accessible" areas may include, but are not limited to:

- a) the wall of a public waiting or reception area; or
 b) the wall of a main hallway the public can frequently walk through. Managing brokers assigned to manage more than one office shall display copies of their license in those offices they manage but which are not the primary office out of which the manager works.

Section 1450.160 Employment Agreements**EMERGENCY**

Every sponsoring broker shall have a written employment agreement with every licensee they sponsor. This agreement shall be dated and signed by the parties.

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The agreement shall include, at a minimum, the employment or independent contractor relationship terms, including but not limited to, supervision, duties, compensation, duration, and termination. The employing broker shall give to every employee and independent contractor a copy of the employment agreement and any modifications.

Section 1450.165 Unlicensed Assistants**EMERGENCY**

- a) Licensees under the Act may employ, or otherwise utilize the services of, unlicensed assistants to assist them with administrative, clerical, or personal activities for which a licensee under the Act is not required.
- b) An unlicensed assistant, on behalf of and under the direction of a licensee, may engage in the following administrative, clerical, or personal activities without being in violation of the licensing requirements of the Act. The following list is intended to be illustrative and declarative of the Act and is not intended to increase or decrease the scope of activities for which a licensee is required under the Act. An unlicensed assistant of a licensee may:
- 1) answer the telephone, take messages, and forward calls to a licensee;
 - 2) submit listings and changes to a multiple listing service;
 - 3) follow up on a transaction after a contract has been signed;
 - 4) assemble documents for a closing;
 - 5) secure public information from a courthouse, sewer district, water district, or other repository of public information;
 - 6) have keys made for a company listing;
 - 7) draft advertising copy and promotional materials for approval by a licensee;
 - 8) place advertising;
 - 9) record and deposit earnest money, security deposits, and rents;
 - 10) complete contract forms with business and factual information at the direction of and with approval by a licensee;
 - 11) monitor licenses and personnel files;
 - 12) compute commission checks and perform bookkeeping activities;
 - 13) place signs on property;
 - 14) order items of routine repair as directed by a licensee;
 - 15) prepare and distribute flyers and promotional information under the direction of and with approval by a licensee;
 - 16) act as a courier to deliver documents, pick up keys, etc.;
 - 17) place routine telephone calls on late rent payments;
 - 18) schedule appointments for the licensee (this does not include making phone calls, telemarketing, or performing other activities to solicit business on behalf of the licensee);
 - 19) respond to questions by quoting directly from published information;
 - 20) sit at a property for a broker tour which is not open to the

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public;

- 21) gather feedback on showings; and
- 22) perform other administrative, clerical, and personal activities for which a license under the Act is not required.

- c) An unlicensed assistant of a licensee may not perform the following activities for which a license under the Act is required. The following list is intended to be illustrative and declarative of the Act and is not intended to be illustrative and declarative of the Act and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may not:
 - 1) host open houses, kiosks, or home show booths or fairs;
 - 2) show property;
 - 3) interpret information on listings, titles, financing, contracts, closings, or other information relating to a transaction;
 - 4) explain or interpret a contract, listing, lease agreement, or other real estate document with anyone outside the licensee's company;
 - 5) negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee; or
 - 6) perform any other activity for which a license under the Act is required.

- d) Any licensee who employs an unlicensed assistant shall be responsible for the actions of the unlicensed assistant taken while under the supervision of or at the direction of the licensee.
- e) Any licensee who is responsible for the actions of an unlicensed assistant by statute, regulation, contract, or office policy and who permits, aids, assists, or allows an unlicensed assistant to perform any activity for which a license under the Act is required shall be in violation of the Act.
- f) Stenographic, clerical, or office personnel not directly engaged in the practice of real estate brokerage as defined in Section 1-10 of the Act are not required to be licensed.

Section 1450.170 Corporation for Indirect Payment

EMERGENCY

- a) Every sponsored licensee who forms a corporation pursuant to Section 10-20(e) of the Act, for the purpose of receiving the sponsored licensee's compensation, shall file with the Licensing Section of OBRE a copy of the certificate of incorporation issued by the Secretary of State.
- b) A corporation formed pursuant to Section 10-20(e) of the Act may only receive compensation earned by the licensee. The corporation may not be licensed under the Act and shall not be used by the licensee to perform real estate activities, sponsor, employ or associate itself with other licensees, hold itself out to the public, or advertise to the public under the corporation's name.
- c) A corporation formed pursuant to Section 10-20(e) of the Act may

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receive compensation earned by the licensee arising out of activities unrelated to the practice of real estate.

Section 1450.175 Special Accounts

EMERGENCY

- a) Escrow Monies Defined.
 - 1) "Escrow monies" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an accepted real estate contract is signed or lease agreed to by the parties. Escrow monies include without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased or sold and for which the security deposit is being held.
 - 2) Earnest money constitutes escrow moneys whether in the form of personal checks, cashier's checks, money orders, cash, or any other forms of legal tender.
 - b) Escrow Accounts. Pursuant to Section 20-20(h)(8) of the Act, sponsoring brokers who accept escrow moneys shall maintain and deposit in a special account (hereinafter referred to as an escrow account), separate and apart from personal or other business accounts, all escrow moneys entrusted to them while acting as the real estate brokers, escrow agents, or as the temporary custodians of the funds of others.

- 1) Such escrow account shall be non-interest bearing, unless the character of the deposit is such that payment of interest thereon is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.

- 2) If an interest bearing account is required, the recipient of the interest shall be specifically indicated, in writing, by the principals of the transaction.

- 3) A sponsoring broker may maintain more than one escrow account.

- 4) An escrow account need not be maintained by a sponsoring broker who does not receive escrow moneys entrusted to him or her while acting as a real estate broker, or as escrow agent, or as temporary custodian of the funds of others.

- 5) Every escrow account, whether interest bearing or non-interest bearing, shall be maintained at a federally insured depository.

- 6) Commingling Prohibited. Each sponsoring broker shall deposit only escrow moneys received in connection with any real estate transaction in an escrow account. The sponsoring broker shall not deposit personal funds in an escrow account, except he or she may deposit from his or her own personal funds, and keep in any escrow account, an amount sufficient to avoid incurring service

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charges relating to the escrow account. The sum shall be specifically documented as being for service charges and the sponsoring broker shall have proof available that the amount of his or her own funds in the escrow account does not exceed the minimum amount required by the depository to maintain the account without incurring service charges.

- c) The sponsoring broker shall provide a receipt to the payor of any cash constituting escrow funds and shall retain a copy of the receipt.
- d) Time of Deposit of Escrow Monies. All escrow monies accepted by a sponsoring broker shall be placed in the sponsoring broker's escrow account not later than the next business day following the transaction. A transaction exists once an accepted real estate contract is signed or lease agreed to by the parties. If such funds are received on a day prior to a bank holiday or any other day on which the bank or savings and loan association is closed, such funds shall then be deposited on the next business day upon which the depository is open.
- e) A sponsoring broker serving as escrow agent shall notify all principals in writing if a principal fails to tender escrow monies, when a principal's payment as escrow monies is dishonored by the financial institution on which it was drawn, or when there appears on the face of the governing contract to be a deficiency in the amount on deposit.
- f) Maintenance of Escrow Monies on Deposit in Escrow Account. The sponsoring broker shall keep all escrow monies on deposit in an escrow account until a transaction is consummated or terminated, except to the extent that such escrow monies, or any part thereof, shall be disbursed according to the provisions set forth in subsection (g).
- g) Disbursement of Escrow Monies. Pursuant to Section 20-20(h)(8) of the Act, the sponsoring broker shall disburse escrow monies according to the following requirements, however, a sponsoring broker may not disburse funds until they have been honored by the payor's depository.
 - 1) The sponsoring broker must disburse escrow monies upon consummation or termination of the transaction. Such disbursement must be according to the terms of the contract and must be made not earlier than the day the transaction is consummated or terminated and not later than the next business day following the sponsoring broker's receipt of notice of the consummation or termination, or otherwise in accordance with the written direction of all principals to the transaction.
 - A) Commissions and/or fees earned by a sponsoring broker in any transaction shall be disbursed by that broker from the funds deposited in an escrow account no earlier than the day the transaction is consummated or terminated and not later than the next business day after the transaction is consummated or terminated, or otherwise in accordance with the written direction of all principals to the transaction.
 - B) Authorized disbursements are those which are made on behalf

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of, and at the written direction of, all principals to the transaction.

- C) A sponsoring broker shall not withhold, for any period of time, an authorized disbursement of escrow monies due to any claim for a commission or compensation to any licensee.
- 2) Pursuant to Section 20-20(h)(8)(i) of the Act, if prior to the consummation or termination of the transaction, the sponsoring broker receives written direction from all of the principals to the transaction or their duly authorized agents agreeing to a disbursement of the escrow monies, that broker must disburse the escrow monies according to the written directions. Such disbursement must be made not later than the next business day following the sponsoring broker's receipt of the last required written direction.
- 3) The sponsoring broker may release escrow monies pursuant to Section 20-20(h)(9)(ii) of the Act which allows a sponsoring broker to disburse escrow monies prior to the consummation or termination of the transaction in accordance with directions providing for the release, payment, or distribution of escrow monies contained in any written contract signed by the principals to the transaction or their duly authorized agents. In any such case the terms of the contract concerning the release of the escrow monies shall be adhered to by the sponsoring broker.
- 4) Pursuant to Section 20-20(h)(8)(iii) of the Act and notwithstanding any other requirements or responsibilities in this Part, if the sponsoring broker receives an order from a court of competent jurisdiction providing for the disbursement of the escrow monies, that broker must disburse the escrow monies according to the terms of the order.
- h) Disputes Regarding Escrow Monies. In the event of a dispute over the return or forfeiture of any escrow monies held by the sponsoring broker or if a sponsoring broker has knowledge that any party to a transaction contests or disagrees with an anticipated disbursement of escrow monies held by that broker, he or she shall continue to hold the deposit in his or her escrow account:
 - 1) until he or she has a written release from all parties or their duly authorized agents consenting to the disposition, in which case the escrow monies must be disbursed according to the terms of the written direction no later than the next business day after the sponsoring broker's receipt of the last required written release;
 - 2) until a civil action is filed, by either the sponsoring broker or one of the parties, to determine its disposition, at which time payment may be made into court;
 - 3) until the funds are turned over to the State Treasurer or such other appropriate State agency or officer designated pursuant to the Act or the Uniform Disposition of Unclaimed Property Act (765 ILCS 1025), because of inactivity of the account or inability to

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locate the parties, or inability of the parties to reach a resolution.

If an Interpleader action is filed by the sponsoring broker, and the broker is authorized by real estate contract to withdraw from the escrow account those amounts as may be necessary to reimburse the sponsoring broker for costs and reasonable attorney's fees associated with that action, excluding costs and attorney's fees associated with that broker's attempt to collect a commission or fee.

- 1) Escrow Records. Each sponsoring broker who accepts earnest money shall maintain, in his or her office or place of business, a bookkeeping system in accordance with sound accounting principles, and without limiting the foregoing, such system shall consist of at least the following escrow records as further described below:

- 1) Journal. A journal shall be maintained for each escrow account. Such journal shall show the chronological sequence in which funds are received and disbursed by the sponsoring broker.

- A) For each entry, such journal shall identify a serial number assigned to the respective transaction from the Master Transaction Log discussed in Section 1450.180 of this Subpart.

- B) For funds received, such journal shall include the date, the name of the party who delivers such funds to the sponsoring broker, the name of the person on whose behalf such funds are delivered to that broker, and the amount of such funds so delivered.

- C) For fund disbursement, such journal shall include the date, the payee, the check number and the amount disbursed.

- D) A running balance shall be shown after each entry (receipt or disbursement).

- 2) Ledger. A ledger shall be maintained for each transaction. The ledger shall show the receipt and the disbursement of funds affecting a single particular transaction such as between buyer and seller, or landlord and tenant, or the respective parties to any other relationship. The ledger shall include the names of all parties to a transaction, the amount of such funds received by the sponsoring broker and the date of such receipt. The ledger shall show, in connection with the disbursements of such funds, the date thereof, the payee, the check number and the amount disbursed. The ledger shall segregate one transaction from another transaction, and shall identify the serial number assigned to the respective transaction from the Master Transaction Log discussed in Section 1450.180. There shall be a separate ledger or separate section of each ledger, as the broker shall elect, for each of the various kinds of real estate transactions (e.g., lease). If the ledger is computer generated from the same data entry from which the journal is generated, the sponsoring broker must maintain copies of the bank deposit slips, bank disbursements slips, or other bank receipts, to account for

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the data on the ledger.

- 3) Monthly Reconciliation Statement. Each sponsoring broker shall reconcile, within ten days after receipt of the monthly bank statement, each escrow account maintained by such broker except where there has been no transactional activity during the previous month. Such reconciliation shall include a written work sheet comparing the balances as shown on the bank or savings and loan association statement, the journal and the ledger, respectively, in order to insure agreement between the escrow account and the journal and the ledger entries with respect to such escrow account. Each such reconciliation shall be kept for at least 5 years from the last day of the month covered by such reconciliation.

- 4) If escrow moneys are transferred from an escrow account to another account for disbursement, the sponsoring broker must maintain a copy of all records reflecting a disbursement from the Master account.

- 5) Master Escrow Account Log. Each sponsoring broker shall maintain a Master Escrow Account Log identifying all escrow bank account numbers, and the name and address of the bank where the escrow accounts are located. The Master Escrow Account Log must specifically include all bank account numbers opened for individual transactions, even if such account numbers fall under another umbrella account number.

- 6) A sponsoring broker may employ a more sophisticated bookkeeping system based on sound accounting principles, including a system of electronic data processing equipment. However, a system of electronic data processing must produce printed records containing all of the information required by the bookkeeping system set forth above.

- 7) ORE shall have available for distribution, on request, samples of an approved journal, ledger, monthly reconciliation statement, and Master Escrow Account Log.

- 8) Pursuant to Section 20-20(h)(9) of the Act, the sponsoring broker shall make available to the real estate enforcement personnel of the ORE during normal business hours all escrow records and related documents maintained in connection with the practice of real estate within 24 hours after a request.

- 9) Copies of all Escrow Money Instruments. Except as otherwise provided by law, the broker shall retain copies of all escrow money instruments received from a principal as part of a transaction, including copies of all personal checks, cashier's checks, certified checks, money orders, promissory notes, or other financial instruments. The broker shall also retain copies and/or documentation of all disbursements or transfers into or out of an escrow account.

- 10) Escrow records shall be retained for 5 years. The escrow records for the immediate prior 2 years shall be maintained in the office

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location and the balance of the records can be maintained at another location.

- 11) If escrow records are lost, stolen, or destroyed due to fire, flood or any other circumstances, the broker must report such loss to the OBRE enforcement division within 30 days by signature restricted delivery. The broker must also immediately obtain copies of monthly bank statements, deposit and disbursement receipts, and any other available records, to reconstruct such loss of escrow records.
- 12) A sponsoring broker may delegate the bookkeeping duties under this Part to another person, including a managing broker, a bookkeeper, certified public accountant, unlicensed assistant, licensed assistant, or sponsored licensee. However, compliance with the bookkeeping duties remain the responsibility of the sponsoring broker. The sponsoring broker is ultimately responsible for the proper administration of the escrow account pursuant to this Part.
- 3) Sponsored licensees. Sponsoring brokers shall institute office policies to ensure that the sponsored licensees tender escrow moneys received in compliance with this Part. Sponsored licensees, whether salespersons, brokers, or leasing agents, may not maintain their own escrow accounts.
- k) Branch Offices. Branch offices may maintain escrow accounts in compliance with this Part or may transmit all escrow moneys received to the main office, but not to another branch office, for compliance with this Part.
- 1) If the branch office does maintain escrow accounts, all of the requirements of this Part apply, including maintaining all required escrow records, and submitting to OBRE all required escrow forms.
- 2) If the branch office does not maintain escrow accounts but instead transmits all escrow moneys received to the main office, all escrow moneys must be transmitted by the branch office to the main office not later than the next business day following the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Even if the branch office transmits all escrow moneys received to the main office, the branch office must maintain records showing the date the escrow moneys were transferred to the main office. The funds received at the main office from a branch office shall be placed in the sponsoring broker's escrow account not later than the next business day following receipt of such funds from the branch office.
- 1) Escrow Requirements for Property Management Activities. Security deposits shall be maintained in an escrow account for the duration of the lease unless the tenant waives this requirement in writing. Such waiver, if included in the lease, shall appear in bold print.
- m) Notification to OBRE of Identity of Escrow Accounts. Consent to Audit

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All Accounts.

- 1) Each sponsoring broker shall, at the time of the original application for licensure and at the time of renewal of licensure, on forms provided by OBRE, file with OBRE the name of the banks, savings and loan associations, or other recognized depositories in which each escrow account is maintained, and the name of each account, and the names of the persons authorized to withdraw funds from such accounts, and shall, as a condition of licensure, consent on such form to the examination and audit of all escrow accounts, notwithstanding whether the account is identified on the form, by OBRE.
- 2) A new form shall be executed by the sponsoring broker and filed with OBRE within 10 days after the time of a change of depository, method of doing business, or persons authorized to make withdrawal. A new form shall also be executed each time a new escrow account is opened. However, a new form shall not be required each time a new escrow account is opened for an individual transaction and where such account falls under an umbrella account which has already been identified in a prior form. The identity of each of these individual escrow accounts, however, must be included in the Master Escrow Account Log pursuant to subsection (i)(5) of this Section.
- n) Violations. Any licensee who violates any of the provisions of this Part may be deemed to have endangered the public interest pursuant to Section 20(h)(12) of the Act and may be subject to a temporary suspension pursuant to Section 20-65 of the Act.

Section 1450.180 Record Keeping
EMERGENCY

- a) A sponsoring broker shall keep or cause to be kept, escrow records, a Master Log of Transactions, transaction records, employment agreements, and records reflecting the payment of compensation, as further described in this Section.
 - 1) Escrow records for each interest bearing and non-interest bearing escrow account or account into which escrow funds have been deposited. These records shall include:
 - A) Journals as defined in Section 1450.175(i)(1).
 - B) Monthly bank statements.
 - C) Ledgers as defined in Section 1450.175(i)(2).
 - D) Monthly reconciliations as defined in Section 1450.175(i)(3).
 - E) Master Log of (Escrow) Accounts as defined in Section 1450.175(i)(5).
- These escrow records shall be maintained for 5 years. The broker shall ensure that the escrow records for the immediate prior 2 year period are maintained in the office location. All in office escrow records shall be made available for inspection and audit

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during normal business hours by OBRE staff no later than 24 hours after a request for escrow records and related documents. Any escrow records more than two years old and stored at a location other than the office shall be made available for inspection during normal business hours within 30 days after the request.

- 2) The Master Log of Transactions is the chronological list of transactions in which the sponsoring broker or any of his or her sponsored licensees represent a client. The Master Log of Transactions shall assign a unique, consecutive identifier, such as a serial number, to each transaction in which escrow funds or monies belonging to others were received, or in which a contract or lease is executed. The Master Log of Transactions shall include:
 - A) the property address;
 - B) the names of all parties to the transaction; and
 - C) the name of all licensees involved in the transaction.

The Master Log of Transactions shall be maintained for 5 years. The broker shall ensure that the Master Log of Transactions for the immediate 2 year period is maintained in the office location. All in-office Master Logs of Transactions shall be made available for inspection and audit during normal business hours by OBRE staff no later than 24 hours after a request for escrow records and related documents. Any Master Logs of Transactions more than two years old and stored at a location other than the office shall be made available for inspection during normal business hours within 30 days after the request.

- 3) Records relating to transactions shall be kept in the office involved in the transaction. These records might include copies of the following:

- A) Residential Property Transactions: Signed contracts, including offers and counteroffers, written release of escrow funds, Dual Agency Authorization, written direction for deposit into interest bearing special account, power of attorney, disclosures (e.g., lead paint, seller disclosure) and closing statements.
- B) Property Management/Leasing: Any rental finding agreement, leases, periodic accounting or statement to the owner regarding the receipts and disbursements.
- C) Commercial Representation: Tenant or owner representation agreement, letters of intent, leases, and any written modifications to an executed lease.

These lists are not intended to be all inclusive rather they are intended to be examples of pertinent documents to be retained. Any similar documents pertinent to a particular transaction shall also be retained. Any information contained on the outside of a transaction file shall be considered part of that file. The transaction records shall be maintained for 5 years. The sponsoring broker shall ensure that any transaction records

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involving any active or pending transaction or representation, or any transaction in which escrow funds or monies belonging to others were received and have not yet been disbursed shall be maintained in the office location. All transaction records maintained at the office location shall be made available for inspection and audit during normal business hours by OBRE staff no later than 24 hours after a request for escrow records and related documents. Any transaction records stored at a location other than the office shall be made available for inspection during normal business hours within 30 days after the request. Sponsoring brokers may allow their sponsored licensees to maintain a duplicate of the transaction records.

- 4) Employment agreements, as required by Section 10-20 of the Act, shall be maintained for 5 years after the sponsored licensee is no longer affiliated with the sponsoring broker. The broker shall maintain the written employment agreement for every licensee who is employed by or affiliated with the sponsoring broker. A copy of the employment agreement for each sponsored licensee at a branch office shall be maintained at the respective branch office.

- 5) Records reflecting the payment of compensation for the performance of licensed activities shall be maintained for 5 years.

- b) If the records are kept electronically, the sponsoring broker shall ensure that a back up is made. In the case of escrow records, the back up shall be made at least monthly. The monthly reconciliation, including its worksheet, shall be printed out and maintained by hard copy. The journal shall be reduced to hard copy at least monthly.

Section 1450.185 Disclosure of Compensation EMERGENCY

Pursuant to Section 10-10(b) of the Act, a licensee shall disclose, in writing, any compensation by the licensee expects to receive or that he knows the licensee's sponsoring broker will receive, arising out of a referral to any person or entity whose services are related to the transaction, including any financial institution, insurance broker, mortgage broker, home inspector, or any other third party. The disclosure shall indicate the relationship between the licensee or the licensee's sponsoring broker and the referred person, or entity and any interest the licensee or the licensee's sponsoring broker may have in the referred person or entity.

Section 1450.190 Disclosure of Licensee Status EMERGENCY

A licensee is "selling, leasing or purchasing any interest," directly or indirectly, for purposes of Section 10-27 of the Act, when the licensee:

- a) is selling, leasing or seeking to purchase property as sole owner;

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- b) is selling or seeking to purchase property as a joint tenant or tenant by the entirety;
- c) holds a beneficial interest in a land trust selling, leasing or seeking to purchase an interest in the subject property;
- d) is a general partner in a partnership selling, leasing or seeking to purchase an interest in the subject property;
- e) is an officer, director, majority or controlling shareholder of a corporation selling, leasing or seeking to purchase an interest in the subject property; or
- f) is a manager or majority or controlling member of a limited liability company selling, leasing or seeking to purchase an interest in the subject property.

Section 1450.195 Brokerage Agreements and Listing Agreements**EMERGENCY**

- a) All exclusive brokerage agreements, including all exclusive listing agreements and exclusive buyer brokerage agreements, shall be in writing.
- b) All written buyer brokerage agreements, whether exclusive or non-exclusive, shall contain the following:
 - 1) the agreed basis or amount of compensation, and time of payment;
 - 2) the duration of the buyer brokerage agreement, clearly set forth;
 - 3) the name of the broker and the buyer;
 - 4) the signatures of the parties; and
 - 5) the duties of the buyer's broker.
- c) All written listing agreements, whether exclusive or non-exclusive, shall contain the following:
 - 1) the list price;
 - 2) the agreed basis or amount of commission and the time of payment of the commission;
 - 3) the duration of the listing agreement with a definite termination date, clearly set forth;
 - 4) the name of broker and seller;
 - 5) the identification of property involved (address or legal description);
 - 6) the signatures of the parties; and
 - 7) the duties of the listing broker.
- d) Pursuant to Section 10-25 of the Act, no licensee shall obtain any written brokerage agreement containing a clause automatically extending the period of the contract. Any written brokerage agreement not containing such a provision for automatic expiration shall be void.
- e) Every written brokerage agreement shall expressly provide that no amendment or alteration to the terms, with respect to the amount of commission or with respect to the time of payment of commission, shall be valid or binding unless made in writing and signed by the parties.
- f) No licensee shall use real estate contract forms to change previously

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- g) agreed commission payment terms.
- h) If a listing agreement provides that, in the event of a default by a buyer, the broker's full commission or fees will be paid out of an earnest money deposit, with the remainder of the earnest money to be paid to the seller, the provision shall appear in the listing agreement in letters larger than those generally used in the listing agreement.
- i) Each brokerage agreement shall clearly state that it is illegal for either the owner or the broker to refuse to display or sell to any person because of one's membership in a protected class, e.g.: race, color, religion, national origin, sex, ancestry, age, marital status, physical or mental handicap, familial status, or any other class protected by Article 3 of the Illinois Human Rights Act.
- j) Each brokerage agreement for a residential property of four units or less, which provides for a protection period subsequent to its termination date, shall also provide that no commission or fee will be due and owing pursuant to the terms of the brokerage agreement if, during the protection period, a valid, written brokerage agreement is entered into with another licensed real estate broker.
- k) A broker may discuss a possible future brokerage agreement with a consumer whose property is exclusively listed with another broker or who is subject to a written exclusive buyer brokerage agreement only under the following conditions:
 - 1) when the consumer initiates the contact; or
 - 2) when the current broker upon request fails to provide within 10 calendar days the type and expiration date of the brokerage agreement between the consumer and the current broker. The request and response shall be in writing and mailed return receipt requested. If the above information is not received within 14 calendar days, the broker may then contact the consumer only if this information cannot be obtained from another source of shared broker information.

Section 1450.200 Written Agreements**EMERGENCY**

- a) No licensee shall solicit, accept or execute any contract or other document relating to a real estate transaction which shall contain any blanks to be filled in after signing or initialing the contract or other document.
- b) No licensee shall make any addition to, deletion from or alteration of any signed contract or other document relating to a real estate transaction without the written, telefax or telegraphic consent or direction from all signatories. No licensee shall process any contract or other document that has been altered after being signed, unless each addition, deletion or alteration is signed or initialed by all signatories at the time of the addition, deletion or alteration.
- c) A true copy of the original or corrected contract or other document

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relating to a real estate transaction shall be hand delivered or mailed within 24 hours of the time of signing or initiating the original or correction to the person signing or initiating any contract or other document.

- d) All forms used by licensees intended to become binding real estate contracts shall clearly state this in the heading in large bold type. No licensee shall use a form designated Offer to Purchase when it is intended that the form shall be a binding real estate contract.

Section 1450.205 Referral Fees and Affinity Relationships**EMERGENCY**

- a) No licensee may pay a referral fee to an unlicensed persons who is not a principal to the transaction. In order to meet the licensee requirement, the person receiving the referral fee may be duly licensed as a real estate broker in either Illinois or another state.
- b) No licensee may request a referral fee unless reasonable cause for payment of the referral fee exists. Reasonable cause for payment of a referral fee means that:

- 1) an actual introduction of a client has been made to a licensee; or
- 2) a contractual referral fee relationship exists with the licensee. The fact that reasonable cause to demand a referral fee exists does not necessarily mean that a legal right to the referral fee exists.
- c) A licensee is prohibited from interfering with the agency relationship of another licensee or attempting to induce a client to break a listing or an exclusive representation agreement with another licensee for the purpose of replacing that agreement with a new listing or representation agreement in order to obtain a referral fee. For purposes of this Section, an agency relationship shall be deemed to exist when a written, exclusive agency agreement (either a listing or buyer representation agreement) is entered into. Interfering with the agency relationship of another licensee includes, but it not limited to:

- 1) demanding a referral fee from another licensee without reasonable cause;
- 2) threatening to take harmful action against the client of another licensee because of their existing agency relationship and in order to obtain a referral fee; or
- 3) counseling the client of another licensee on how to terminate or amend an existing agency contract in order to obtain a referral fee.

Any activities that involve the communication of corporate relocation policies or benefits to a transferring employee, as long as that communication does not involve advice or encouragement on how to terminate or amend an existing agency contract shall not be considered interference.

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SUBPART E: AGENCY RELATIONSHIPS

Section 1450.207 Confidentiality**EMERGENCY**

Licensees in receipt of confidential information shall take reasonable steps to safeguard the information from unauthorized disclosure.

Section 1450.210 Failure to Disclose Information Not Affecting Physical**Condition****EMERGENCY**

No cause of action shall arise against a licensee for the failure to disclose:

- a) that an occupant of that property was afflicted with Human Immunodeficiency Virus (HIV) or any other medical condition;

- b) that the property was the site of an act or occurrence which had no effect on the physical condition of the property or its environment or the structures located thereon (Section 15-20 of the Act). Such acts shall include, but are not limited to, murder or suicide;

- c) fact situations on property that is not the subject of the transaction; or

- d) physical conditions located on property that is not the subject of the transaction that do not have a substantial adverse effect on the value of the real estate that is the subject of the transaction. This provision is intended to apply to actions taken by OBRE under the Act as well as to all civil actions in Illinois.

Section 1450.215 Licensee Serving as a Dual Agent in a Transaction Where a Licensee is a Party to the Transaction**EMERGENCY**

A licensee may not serve as a dual agent in any transaction to which he or she or an entity in which he or she has an ownership interest is a party to the transaction.

SUBPART F: DISCIPLINE RULES AND PROCEDURES

Section 1450.220 Unprofessional Conduct**EMERGENCY**

OBRE may suspend, revoke, or take other disciplinary action based upon its finding that the licensee or applicant has engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public. The following descriptions are illustrative of the types of conduct which would constitute "dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public."

- a) Failure to act in the best interests of a client.
- b) Deliberately misleading a client as to the market value of the

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- c) Failing to advertise the property as obligated by the listing agreement.
- d) Deliberately misrepresenting to prospective purchasers or their agents the condition of the property or the availability of access to snow the property.
- e) Purchasing or transferring of the property through an intermediary in order to conceal the purchase by the licensee.
- f) Inducing a seller to list the property through false representations.
- g) Inducing a seller through false representations or false promises to transfer the property to the licensee.
- h) Taking unfair advantage of a client's or customer's age, disability, or lack of understanding of the English language.
- i) Engaging in conduct with the public or other real estate licensees in the practice of real estate in a manner that is abusive, harassing, or lewd.
- j) Representing oneself as a sponsoring broker or managing broker without providing the actual supervision and management of the real estate business.
- k) Failing to reasonably safeguard confidential information or improperly using confidential information.
- l) Obstructing an inspection, audit, investigation or a disciplinary proceeding by falsifying or willfully destroying a document which is required to be kept.
- 1) Any violation of Section 1450.175, Special Accounts, shall be deemed unprofessional conduct.
- n) Assisting or inducing a licensee to violate the Act or this Part.

Section 1450.225 Suspension or Denial for Failure to Pay Taxes, Child Support or Any Illinois-Guaranteed Student Loan
EMERGENCY

- a) If OBRE receives certification that a licensee is in violation of Section 20-35, 20-40, or 20-45 of the Act, OBRE shall notify the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery, that the license will be suspended 90 days from the date of the notice, unless the licensee provides to OBRE certification that the licensee has eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.
- b) If OBRE receives certification that an applicant is in violation of Section 20-35, 20-40, or 20-45 of the Act, OBRE shall notify such applicant, by certified or registered mail, return receipt requested, or other signature restricted delivery, of its intent to deny the applicant a license under the Act, unless the applicant provides to OBRE proof that the applicant has eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.

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c) "Certification" shall be defined as:

- 1) a verified statement by the licensee or applicant on an application or renewal form of such delinquency or failure to pay;
- 2) a verified statement by the appropriate administering agency of such delinquency, failure to file, or failure to pay; or
- 3) a finding by a court of competent jurisdiction that the licensee or applicant is delinquent in child support or is liable to pay a certain amount for Illinois taxes or an Illinois-guaranteed student loan obligation.
- d) A licensee or applicant may request a hearing, but the basis for the hearing shall only be for the purpose of proving that the petitioner is not the person for which such failure to pay or arrearage information was received, that the petitioner has executed a formal, written payment plan with the appropriate administering agency, signed by both parties, or that the petitioner has satisfied the outstanding debt, in its entirety.
- e) A license will be reinstated, renewed or issued upon a showing that the certified arrearage or delinquency had been satisfied.

Section 1450.230 Temporary Suspension
EMERGENCY

- a) The grounds for temporary suspension, as set forth in Section 20-65 of the Act, shall be based on evidence sufficient to cause OBRE to reasonably believe that the public interest, safety, or welfare imperatively requires emergency action. Emergency action is imperatively required when a licensee's conduct poses a threat to the public's or another licensee's money will be stolen or defalcated or that the continued licensure of a licensee will be a threat to the physical safety of the public or another licensee. When determining imminent harm, OBRE may consider any combination of acts committed by a licensee including, but not limited to:
 - 1) Failure to account for or to remit any moneys or documents that belong to others, as set forth in Section 20-20(h)(7) of the Act;
 - 2) Failure to maintain and deposit in a special or escrow account, separate and apart from personal and other business accounts, all escrow moneys belonging to others entrusted to a licensee while acting as a real estate broker, escrow agent, or temporary custodian of the funds of others as set forth in Section 20-20(h)(8) of the Act;
 - 3) Failure to make available to real estate enforcement personnel of OBRE during normal business hours all escrow records and related documents within 24 hours after a request for those documents by OBRE personnel, as set forth in Section 20-20(h)(9) of the Act and Section 1450.180 of this Part; however, this action in and of itself shall not be sufficient grounds for a temporary suspension; and

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- 4) Commingling money or property of others with the licensee's own as set forth in Section 20-20(h)(13) of the Act.
- b) A petition for temporary suspension shall:
 - 1) State the statutory basis for the action petitioned;
 - 2) Allege facts, supported by evidence or affidavit sufficient for temporary suspension;
 - 3) Be signed by the Director; and
 - 4) Be presented to the Commissioner either in person or by telephone and in the presence of a court reporter.
- c) An order for temporary suspension shall:
 - 1) Contain findings of fact sufficient to support imposition of a temporary suspension;
 - 2) Recite the statutory basis for the action;
 - 3) Appoint a hearing officer;
 - 4) Demand immediate surrender of the licensee; and
 - 5) Be signed by the Commissioner.
- d) A notice of temporary suspension shall accompany the order and shall:
 - 1) Set a hearing date within 15 days after the date on which the order takes effect;
 - 2) Name the hearing officer who shall conduct the hearing; and
 - 3) Include a copy of OBRE's Practice in Administrative Hearings.

Section 1450.235 Otherwise Discipline EMERGENCY

- a) "Discipline" means a refusal to issue or renew a license, probation, suspension, or revocation of a license, censure, reprimand, fine, or any other sanction explicitly provided for in the Act.
- b) In conjunction with any of the disciplines enumerated in the Act, OBRE may impose "other discipline" in order to maintain the standards of professional conduct, the competency of a licensee, and the protection of the public, which may include:
 - 1) Restricting a licensee's access to escrow funds;
 - 2) Requiring the successful completion of any approved real estate course, including courses for those licensees who would otherwise not be required to complete continuing education pursuant to Section 5-70 of the Act; or
 - 3) Requiring the licensee to provide any report, record or document regarding real estate activity which OBRE may deem relevant and appropriate.

Section 1450.240 Dissolution: Effect of Suspension or Revocation of Sponsoring Brokers or Managing Brokers EMERGENCY

- a) Suspension or revocation of sponsoring broker:

Upon the effective date of a temporary or otherwise suspension or revocation of the license of a sponsoring broker corporation, limited

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- liability company, partnership, or sole proprietorship and their respective principal or sponsoring broker:
- 1) The licenses of all respective sponsored licensees are automatically inoperative. However, each broker may resume the practice of real estate only upon securing a properly completed 45 day sponsor card, signed either as a self sponsored broker or by another sponsoring broker. Each salesperson or leasing agent may resume the practice of real estate only upon securing a properly completed 45 day sponsor card signed by an active sponsoring broker.
 - 2) All brokerage agreements with the sponsoring broker, including listing agreements, are deemed expired pursuant to Section 10-25 of the Act unless a new sponsoring broker is named within 7 business days. Unless a new sponsoring broker is named within 7 days the suspended or revoked sponsoring broker shall notify, in writing, all clients with whom the sponsoring broker has an active brokerage agreement, and advise that the brokerage agreement expired as of the date which is 7 business days after the suspension or revocation, and that the clients are legally authorized to enter into another brokerage agreement with any active broker.
 - 3) Suspensions or revocations of a sponsoring broker shall not have an effect on the enforceability of any pending, executed real estate contracts.
 - A) the suspended or revoked sponsoring broker shall send a written notice to all clients with a pending, executed real estate contract explaining the suspensions or revocations, and that the suspensions or revocations shall not have an effect on the enforceability of the pending, executed real estate contracts. The notice shall also identify the name, address, and telephone number of the person in control of the escrow money. To the extent that the clients require additional real estate services, the notice shall provide that the clients may seek those services from another active broker.
 - B) A suspension or revocation shall not preclude the receipt of any commission or other compensation earned by the suspended or revoked sponsoring broker or other formerly sponsored licensee prior to the effective date of a suspension or revocation of the sponsoring broker.
 - b) Suspension or revocation of managing broker:

In the event of a suspension or revocation of a managing broker the offices and branch offices managed by that managing broker may resume the practice of real estate upon securing a replacement broker. Consistent with Section 5-45(e) of the Act, if a replacement managing broker is unable to be secured immediately after a suspension or revocation of the managing broker, the entity may continue to practice real estate for the first 15 days after the suspension or

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revocation. If, after 15 days, a replacement managing broker has not been secured, the office may only continue to practice real estate upon securing the written authorization of OBRE as provided for in Section 5-45(e) of the Act.

- c) In the event of the voluntary retirement or the voluntary dissolution of a sponsoring broker, the sponsoring broker shall, at a reasonable time prior to the voluntary retirement or voluntary dissolution, provide written notice to all sponsored licensees to allow the sponsored licensees to secure new sponsoring brokers, and shall provide written notice to all active clients to allow the clients to secure brokerage agreements with new brokers.

Section 1450.245 Inspections and Audits

EMERGENCY

- a) Inspections. OBRE is authorized to inspect those areas of a sponsoring broker's office open and generally available to the public at any time during normal business hours with or without the sponsoring broker's consent. With the sponsoring or responsible managing broker's consent or, if no consent is given, then upon 24 hours' notice OBRE may conduct a visual and physical inspection of the non-public areas of a sponsoring broker's office and interview any person, including any licensee or non-licensee, who may have knowledge or information about the licensee's practice of real estate. The licensee may have an attorney present if he or she so chooses.

Except as provided in subsection (b), upon any written or oral request by OBRE personnel for written documentation, a licensee shall produce the requested documentation within 30 days after the request.

- b) Escrow Audits. OBRE is authorized to audit special accounts, escrow records and documents related to any escrow accounts maintained by the licensee. Escrow Audits may be conducted, at any time with the sponsoring broker's consent or without consent during normal business hours with at least 24 hours' notice and the ability for the licensee to have an attorney present if he or she so chooses. Escrow Audits may include:

- 1) A review and examination of all required, original escrow records as set forth in this Part.
- 2) A review and examination of any document, including originals, related to a licensee's escrow accounts. Related documents shall include the Master Transaction Log and any documentation that relates or helps to support the Master Transaction Log.
- 3) Interviews of any person, including any licensee or non-licensee, who may have knowledge or information about the licensee's practices for maintaining and administering his or her escrow accounts.

Upon any written or oral request by OBRE personnel for an Escrow Audit, a licensee shall make available during normal business hours any and all requested escrow records and related documents within 24

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hours after the request. If those documents are not required to be kept on site, they shall be provided within 30 days after the request. Subject to Section 20-20(h)(9) and (18) of the Act, OBRE is authorized to obtain a licensee's original records for the purposes of inspection, audit, and reproduction. OBRE shall promptly return all original documents or records to the licensee.

Section 1450.250 Case File Review Committee

EMERGENCY

- a) The Real Estate Case File Review Committee of the Real Estate Administration and Disciplinary Board, authorized by Sections 20-60(c) and 25-10 and 25-15(4) of the Act, shall be composed of at least 2 voting members of the Real Estate Administration and Disciplinary Board as appointed by the Director with approval of the Board, the Director, an Investigation Supervisor and Chief of Prosecutions.

- b) The Case File Review Committee shall meet at least once every 2 months to exercise its functions and duties as set forth in subsection (c) below. The Case File Review Committee members may take the actions listed below without meeting in person, but through other communication. The Case File Review Committee may meet concurrently with members of the regulatory staff or Board members of related professions, including, but not limited to Auctioneers, Land Sales, Time Share, Appraisal, Mortgage Brokers to discuss interrelated professional matters. The Case File Review Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

- c) A "complaint" means the initial claim or allegation made against a licensee which results in a preliminary investigation to determine whether or not a formal complaint shall be brought. "Case file" means a complaint has been made against a licensee that resulted in a preliminary inquiry and information has been sought pursuant to the Act and this Part in order to determine whether a formal complaint should be initiated and/or prosecution pursued.

- d) The Case File Review Committee shall have the following duties and functions:

- 1) Shall recommend whether a case file be closed or refer the case file to Prosecutions for further review and action.
- 2) May recommend that an Administrative Warning Letter be issued, with or without a compliance agreement that may include an administrative fee pursuant to Section 1450.95(h)(11), and the case file closed. A case file may be closed without an Administrative Warning Letter if the Case File Review Committee deems it appropriate.
- 3) May recommend that cases of similar types of allegations be offered a standard disposition within a range recommended by the Board. A recommendation of an offer of standard disposition shall not restrict the Board from hearing an individual case at a

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hearing and issuing a recommendation based upon the individual facts and evidence in rebuttal, mitigation or aggravation in the individual matter.

- 4) May expedite a case file to Prosecutions if, in the opinion of the Director, Investigation Supervisor, or Chief of Prosecutions, the matter requires immediate attention. Case files requiring immediate attention may include, but are not limited to: conduct involving fraud, dishonesty, embezzlement, or unlicensed practice; actual or imminent harm or injury to a member of the public; reports of an escrow account shortage or discrepancies; or, refusal to provide escrow account records or related documents within the required time period.

- 5) Shall report a summary of the actions of the Case File Review Committee at each Board meeting.

- e) In determining what action to take or whether to proceed with a formal complaint, investigation and prosecution of a case file, the Case File Review Committee shall consider factors including, but not limited to:

- 1) the effect on the public's health, safety and welfare;
- 2) any indication of fraud;
- 3) commingling or embezzlement;
- 4) evidence of escrow account shortages or discrepancies;
- 5) refusal to provide escrow account records or related documents within the required time period; or
- 6) prosecutorial merit.

- f) Disqualification of a Case File Review Committee member:

- 1) A Case File Review Committee member shall be recused from consideration of a case file when a conflict of interest or prejudice would prevent that Committee member from being fair and impartial.

- 2) Participation in the initial stages of the handling of a case file, including participation on the Case File Review Committee and in informal conferences, shall not bar a Case File Review Committee member from later participating in decision making relating to that case file as a formal complaint or prosecution.

- g) Meetings of the Case File Review Committee are an exception to the Open Meetings Act and shall be closed to the public, in accordance with 5 ILCS 120/2(c)(15).

Section 1450.255 Hearings

EMERGENCY

All disciplinary hearings brought before the Board under Article 20 of the Act shall be conducted in accordance with the Rules of Practice in Administrative Hearings as provided for in the Illinois Administrative Code.

Section 1450.260 Real Estate Recovery Fund

EMERGENCY

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- a) Necessity of Notice

When any person commences, in the civil courts, an action for a judgment which may result in collection from the Real Estate Recovery Fund, that person shall notify OBRE in writing at the time of commencement of the action.

- b) Time of Notice

"Time of the commencement of the action" shall be construed to mean within 7 days after:

- 1) the plaintiff in a civil action files a Complaint or an Amended Complaint in the Circuit Court or the Federal District Court; or
- 2) the aggrieved party files a proof of claim or an adversary action regarding nondischargeability of the debt in a bankruptcy matter.

- c) Place and Manner of Notice

Notice required by Section 20-90 of the Act or by this Section shall be sent by certified mail, return receipt requested, or shall be delivered by hand, to OBRE in Chicago, Illinois, Attention: Docket Clerk.

- d) Contents of Notice

Every notice required by Section 20-90 of the Act or by this Section shall include:

- 1) a copy of the Court document:
 - A) the complaint showing the "Filed" stamp of the Clerk of the Court in which the complaint was filed; or
 - B) the proof of claim or an adversary complaint regarding nondischargeability in a bankruptcy matter.
- 2) copies of relevant documents available to the claimant, including:
 - A) real estate sales contract, lease, closing statement, disbursement directions, or other evidence of title to real property on which the claim is based, or if claimant does not possess title, evidence of the interest in real property on which the claim is based (evidence includes such documents as title policy, deed, or lease);
 - B) proof of any check or money order regarding earnest money or security deposit, or other negotiable instruments, or dishonored checks issued by the licensee.
- 3) an itemized statement of losses of actual cash money which the claimant alleges occurred as a result of conduct identified in Section 20-85 of the Act by a licensed broker, salesperson, leasing agent, or unlicensed employee of a broker. Where no itemized statement is possible, the claimant must state under oath that his or her losses are estimated and that his or her calculation of estimated losses is as accurate as circumstances permit him or her to make.

- e) Necessity of Natural Person as a Defendant

No notice of claim will be recognized or accepted where the underlying complaint does not name at least one natural person, either a licensed broker, salesperson, leasing agent, or unlicensed employee of a

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broker, as a defendant.

Section 1450.265 Automatic Termination Upon Order to Payout from the Real Estate Recovery Fund

A licensee who desires to contest an automatic termination for payment out of the Real Estate Recovery Fund pursuant to Section 20-90(1) of the Act, must file the appropriate motion or appeal with the Court which ordered the payment from the Fund.

SUBPART G: PRE-LICENSE AND CONTINUING EDUCATION SCHOOL RULES

Section 1450.270 Definition of Schools and School Branch

EMERGENCY

"Schools", when used in this Part, refer to pre-license schools or continuing education schools as defined in Section 1-10 of the Act. Pre-license schools are those schools licensed by OBRE offering courses in subjects related to real estate transactions, including subjects upon which an applicant is examined in determining fitness to receive a license. Continuing education school refers to any school licensed by OBRE for continuing education in accordance with Section 30-15 of the Act.

A "school branch" means a pre-license or continuing education school other than the sponsoring schools' principal location.

Section 1450.275 Pre-License Schools and Instructors

EMERGENCY

a) In accordance with Section 30-5(a) of the Act, a school seeking approval for pre-license education shall submit an application on forms provided by OBRE along with the appropriate fee required by this Part. OBRE shall, upon the recommendation of the Advisory Council, approve a pre-license school if it meets certain minimum requirements as described in this Section.

- b) An approved pre-license school could be:
 - 1) A college or university chartered by its state education authority;
 - 2) A private real estate school, whether operated by a corporation, community organization or any other entity to meet the education requirements of an applicant for a real estate broker or salesperson license under the Act; or
 - 3) A public real estate school approved by the state education authority, and supported by public taxes.
- c) The program shall:
 - 1) Be approved by the school's governing and/or supervising body;

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- 2) Have a faculty all of whom meet the qualifications of subsection (f) below;
- 3) Have a curriculum which conforms to the standards of subsection (g) below;
- 4) Administer a minimum 100 question final examination as outlined in subsection (g)(6) below.

d) Facilities

- 1) A pre-license school must provide an office in Illinois or a bordering state for the maintenance of all records, office equipment and office space necessary for customer service.
- 2) A pre-license school seeking approval of any classroom site shall furnish to OBRE an affidavit setting forth the name of the owner of the premises to be utilized and a copy of the lease, if applicable.
- 3) The premises, equipment and facilities of the pre-license school shall comply with all applicable community fire codes, building codes, and health and safety standards.
- 4) The pre-license school is subject to inspection prior to approval or thereafter by authorized representatives of OBRE during regular business hours, with at least 24 hours' advance notice of the inspection.
- 5) No pre-license school shall be maintained in a private residence.
- 6) Whenever an approved pre-license school operates a branch location, then an application shall be filed for each branch location. Each application shall be accompanied by the fee as required by this Part.
- 7) No approved pre-license school shall allow the school premises or classrooms to be used during class time by anyone to directly or indirectly recruit new affiliates for any company. Instructors and school administrators shall promptly report to OBRE any efforts to recruit students.

e) Administration

- 1) Instructors within an adult education, community education or vocational education program at any approved pre-license school shall meet the criteria for approval as set forth in subsection (f) of this Section.
- 2) No approved pre-license school shall advertise that it is endorsed, recommended, or accredited by OBRE. The pre-license school, however, may indicate that the school and course of study has been approved by OBRE.
- 3) Before each approved real estate course is to begin, an approved pre-license school shall submit notice to OBRE where the class is to be taught, title of the course, who is to instruct the class, date and time of the class and estimated class enrollment.
- 4) The pre-license school shall provide the student with information which specifies the course of study to be offered; the tuition to be charged; the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or

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through hardship; any additional fee to be charged for supplies, materials or books which become the property of the student upon payment; and other matters as are material to the relationship between the school and the student (for example: cost of retaking a course, current status of licensure, if any, any disciplinary action taken by OBRE, attendance requirements).

- 5) Each pre-licensure school shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the pre-licensure school for a period of 5 years and shall be available for inspection by the student or by OBRE or its designee during regular business hours.
- 6) Total tuition for any course of instruction offered by the pre-licensure school shall be the same for all students at any given time.
- 7) An approved pre-licensure school shall upon request give evidence of the financial resources available to equip and maintain the school documented by a current balance sheet, an income statement or any other similar evidence as required by OBRE.
- 8) OBRE shall be reimbursed by any out-of-state pre-licensure school for all reasonable expenses incurred by the inspector in the course of inspection.

f) Qualifications of Pre-License Instructors in Approved Pre-License Schools

The approved pre-licensure school shall employ only pre-licensure instructors who have been approved by OBRE and meet the following:

- 1) Except as provided in subsections (f)(7) and (8) below, pass an examination approved by OBRE with a minimum score of 70; and
- 2) Holds a real estate broker's license for at least the last 3 years and has been engaged in active practice as an Illinois real estate broker; or
- 3) Is currently admitted to practice law by the Supreme Court of Illinois and for at least 3 years has been engaged in the active practice of law in Illinois; or
- 4) Is a properly credentialed pre-licensure instructor of real estate courses who is or has been engaged in the practice of teaching for at least 3 years; or as evidenced by a professional designation such as but not limited to, a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or
- 5) Is properly licensed or certificated to engage in the business of appraisal, finance and/or related real estate occupations and who is a member of a nationally recognized association in that field, and for at least 3 years has been engaged in that practice; or
- 6) In the judgment of the Director, is qualified by experience or education, or both, to supervise a course of study pursuant to the provisions of this Section. In determining whether a person

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is qualified to supervise a course of study under this Section, the Director shall consider:

- A) The individual's teaching experience;
- B) The individual's real estate experience;
- C) Any real estate, business or legal education of the individual;
- D) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state). Any applicant who the Director has determined does not meet the requirements of this subsection (f)(6)(D) shall be evaluated by the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Commissioner for approval or disapproval of the applicant as a pre-licensure instructor. OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.
- 7) Those pre-licensure instructors teaching in a college or university real estate degree program are subject to approval by the administrator of that program and are not required to meet the examination requirement.
- 8) Previously approved pre-licensure instructors are exempt from taking the examination as long as they maintain an active instructor's certificate and have no break in active status greater than 2 years.
- 9) A pre-licensure school seeking the approval of OBRE for pre-licensure instructors shall submit an application on forms provided by OBRE and the appropriate fee. A pre-licensure instructor shall be seated for either the purpose of securing a salesperson or broker's license, except for the purpose of securing a salesperson or broker's license.
- 10) No approved pre-licensure instructor shall be seated for either the purpose of securing a salesperson or broker's license, except for the purpose of securing a salesperson or broker's license.
- 9) Curriculum for Pre-License Schools
 - 1) The pre-licensure school shall offer classroom instruction in the following subjects:
 - A) Real Estate Transactions as outlined in subsection (g)(3)(A) below;
 - B) Brokerage Administration and Contracts and Conveyances as outlined in subsections (g)(3)(B) and (C) below; and
 - C) In addition to those listed in subsections (g)(1)(A) and (B) above, at least 3 optional courses as outlined in subsection (g)(3) below shall be offered.
 - 2) The application of the pre-licensure school requesting approval shall include an outline of the content of the courses to be offered. Each outline shall make reference to the textbook used and other material related to the course or subject matter, and shall conform to the approved curriculum outlines prepared by OBRE.

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- 3) Approved courses shall meet the minimum criteria set forth below:
- A) Real Estate Transactions shall include a minimum of 45 class hours. The course shall include instruction in real estate law, types of interest and ownership in real estate, home ownership, legal descriptions, titles, liens, taxes, encumbrances, listing, advertising, appraisal, finance, closings, and professional code of ethics.
 - B) Brokerage Administration shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in Illinois real estate law and licensure, listings, title search, forms for closing, contract forms, and the broker-salesperson relationship.
 - C) Contracts and Conveyances shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in deeds, fixtures, contracts, real estate closings, foreclosure and redemption, land use controls, landlord/tenant relationship, cooperatives and condominiums.
 - D) Appraisal shall consist of a minimum of 15 class hours. The course shall include instruction in the appraisal process, real property and value, economic trends, depreciation, and value.
 - E) Property Management shall consist of a minimum of 15 class hours. The course shall include instruction in fundamentals of tenant-management relationship, property modernization, property maintenance, leases, insurance, commercial property, industrial property, advertising.
 - F) Financing shall consist of a minimum of 15 class hours. The course shall include instruction in types of financing, sources of financing, mortgages, mortgage documents, closing a mortgage, interest, liens, foreclosure, insurance, mortgage risk, principles of property value for mortgage credit, mortgage analysis, construction loans.
 - G) Sales and Brokerage shall consist of a minimum of 15 class hours. The course shall include instruction in qualifications and functions of a real estate broker; land utilization; appraisal principles and methods; office organization; selection, training and supervision of salespersons and office personnel; compensation of salesperson listings; prospects; real estate markets; financial control; and government regulations.
 - H) Farm Property Management shall include a minimum of 15 class hours. The course shall include instruction in inventorying assets, determining method of operation, tenants, budgeting, crop and livestock production, marketing, tax planning and depreciation, government programs and regulations, insurance and ethics.

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- I) Real Property Insurance shall include a minimum of 15 class hours. The course shall include instruction in risk, functions of insurance, insurance contracts, types and purposes of insurance.
- 4) OBRE shall make available to the public upon request copies of the curriculum of any of the courses specified above.
- 5) If additional elective courses are developed, they shall be approved by OBRE prior to implementation. The courses shall be approved upon determination that the course is at least 15 clock hours in length and constitutes real estate related material.
- 6) Examinations. Each course shall end in a mandatory final examination for which the minimum pass rate shall be no less than 70%.
- 7) Changes in ownership, management and curriculum occurring subsequent to the approval of a program shall be approved by OBRE prior to implementation in order for approval to continue uninterrupted.
- h) OBRE shall notify officials of the school in writing within 15 days after its approval or disapproval. In the event the pre-license school is disapproved, the reasons thereof will be detailed and the officials advised that the disapproval may be appealed by notifying OBRE, in writing, within 10 days after the receipt of the disapproval.

Section 1450.280 Expiration Date and Renewal Period for Pre-License Schools and Pre-License Instructors

EMERGENCY

- a) Every pre-license school or school branch license shall expire on June 30 of each odd numbered year.
- b) Every pre-license instructor license and every registration of a pre-license course shall expire on June 30 of each odd numbered year.
- c) Each licensed pre-license school and pre-license instructor shall be responsible for renewal of the license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason for failure to pay the renewal fee or to renew the appropriate license.
- d) The applicable fees shall be those set forth in Section 1450.95 of this Part.
- e) Each pre-license school and pre-license instructor shall submit a list of courses to be taught as part of the renewal application.
- f) Operation of a pre-license school or instructing courses on an expired or inactive license shall constitute the unlicensed or unauthorized practice and may be grounds for discipline pursuant to Section 20-20 of the Act.
- g) Any licensed pre-license instructor whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fees provided that the license expired while the instructor was:

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- 1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States; or
- 2) engaged in training or education under the supervision of the United States prior to induction into military service; or
- 3) serving as the Director of Real Estate in the State of Illinois, or as an employee of OBRE.

A pre-license instructor renewing his or her license in accordance with this subsection (g) may renew the license within a period of two years following the termination of service and are not required to retest or reapply.

- b) In accordance with Section 30-5 of the Act, any pre-license school or school branch, or pre-license instructor whose license under the Act has expired for more than two years shall not be eligible for renewal of licensure.

- 1) Any pre-license school or pre-license instructor whose license has expired for less than two years may renew the license at any time by complying with the requirements of this Section and by paying the fees required.

- 2) Any pre-license school or pre-license instructor whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that, in the case of a school, all qualifications of Section 1450.275 have been met. In the case of a pre-license instructor, that instructor must show he or she has taught at least one course within the period of licensure or has completed an OBRE-approved instructor training program.

Section 1450.285 Continuing Education Schools and Instructors

EMERGENCY

- a) Approval of continuing education (CE) Schools. Those entities seeking approval as CE schools shall maintain an office for maintenance of all records, office equipment and office space necessary for customer service.

- 1) The CE school's office may be subject to inspection by authorized representatives of OBRE during regular working hours and upon at least 24 hours' notice when OBRE has reason to believe that there is not full compliance with the Act or this Part and that this inspection is necessary to ensure full compliance.

- 2) OBRE shall be reimbursed by any out-of-state CE school for all reasonable expenses incurred by the inspector in the course of the inspection.

- 3) Entities seeking approval as CE schools shall file a CE school application, on forms provided by OBRE, along with the required fee. The application shall include the following:

- A) A list of all CE courses that the CE school is planning to

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offer during the 12 month period following approval and a list of all instructors the school plans to utilize in the offering of the CE courses. The list shall include the instructor's name, address, and approval number as provided in Section 30-15(f) of the Act. An approved CE school shall not be precluded from offering CE courses or from utilizing instructors not listed in the initial application or subsequent annual renewals if written notice of the CE course and the instructor to be utilized is submitted 30 days prior to the CE course date pursuant to subsection (a)(3)(C)(v) below:

- B) The description, location, date and time of each CE course to be offered;

- C) The CE school's certification:

- i) that the content areas of all CE courses offered by the CE school for CE credit will conform to those listed in Section 5-70(e) of the Act and that CE schools shall not offer for approved credit any of the courses set forth in Section 5-85 of the Act;

- ii) that all CE courses offered by the CE school for CE credit will comply with the criteria in this Section;

- iii) that the CE school will be responsible for verifying attendance at each CE course and providing a certificate of completion signed by the CE school on forms provided by OBRE. Further, that the CE school will maintain these records for not less than 5 years and shall make these records available for inspection by the licensee or OBRE or its designee during regular business hours;

- iv) that upon request by OBRE, the CE school will submit evidence as is necessary to establish compliance with this Section and Sections 30-15 through 30-25 of the Act. The evidence shall be required when OBRE has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;

- v) that the CE school will submit to OBRE a written notice of a CE course 30 days prior to the CE course date if the program was not listed in the application or any subsequent renewal application. The notice shall include the description, location date and time of the CE course to be offered;

- vi) that the CE schools will only offer CE, other than self-study CE, in an environment which is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety, and welfare of the attendees; and
- vii) that financial resources are available to equip and

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maintain its office in a manner necessary to enable the CE school to comply with Article 30 of the Act, this Section and this Part, documented by a current balance sheet, an income statement or any similar evidence as requested by OBRE.

- D) Evidence of the CE school's ability to provide certificates required by Section 30-15(b)(5) of the Act.
- 4) CE schools approved to offer the courses required by Article 5 of the Act shall be deemed to be approved to offer CE programs upon completion of an application for approval and the submission of the fee required by Section 1450.95.

- 5) Within 30 days after the action by the Advisory Council, OBRE shall issue approval to the CE school or notify the CE school, in writing, why approval cannot be issued.

- 6) Approved CE schools shall comply with the following:

- A) No approved CE school shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit new affiliates for any company. CE schools and CE instructors shall report to OBRE any efforts to recruit licensees.

- B) No approved CE school shall advertise that it is endorsed, recommended, or accredited by OBRE. The CE school, however, may indicate that the school and the CE course have been approved by OBRE.

- C) Approved CE schools shall utilize in the teaching of approved CE courses only CE instructors who have been approved by OBRE.

- D) Approved CE schools shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, approved CE schools shall specify the number of core or elective CE course hours that may be earned by successfully completing the course.

- E) All CE courses given by approved CE schools shall be open to all licensees and not be limited to members of a single organization or group.

- 7) The CE school shall be responsible for assuring verified attendance at each CE course or self-study examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved.

- 8) To maintain approved CE school status, each CE school shall submit annually during the 30 days preceding April 1 a school renewal application along with the required fee. The CE school shall be required to submit to OBRE with the renewal application the following:

- A) A list of those CE courses planned to be offered in the 12-month period immediately following the renewal period.

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This list shall include a description, location, date and time the course is planned to be offered.

- B) A list of those instructors the school plans to utilize. This list shall include the name, address, and instructor approval number for each.

- 9) Each approved CE school shall submit to OBRE on or before the 15th of each month graduation report of those licensees passing approved CE courses offered by it during the preceding calendar month.

- A) The monthly graduation reports shall include the following information for each licensee:

- i) the licensee's name, address, social security number, and license number;

- ii) the CE course school's name and license number; and
- iii) the CE course name, course identification number, course category (core or elective), credit hours, and the date and time classes were held.

- B) If no courses were given by a CE school during the preceding calendar month, that CE school shall report in writing that no courses were given.

- C) The monthly graduation reports shall be submitted in a computer readable format specified by OBRE.

- D) There is no processing fee for a monthly graduation report submitted in the computer readable format specified by OBRE. Each monthly graduation report submitted on paper or in a format other than that specified by OBRE shall be accompanied by a processing fee of \$.50 per licensee, per course, listed on the report, payable by check to OBRE.

- E) A monthly graduation report received by OBRE with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative fee of \$200 in addition to the fees set forth above.

- F) If a CE school fails to file monthly graduation reports or a statement saying that none were given, or fails to pay required fees, if any, as set forth in subsections (a)(9)(D) and (E) of this Section for three successive months, then the courses offered by that school may be disqualified pursuant to procedures set forth in Section 30-15(d) of the Act until all delinquent graduation reports, processing fees, and administrative fees as set forth in subsections (a)(9)(D) and (E) of this Section have been submitted to and are received by OBRE. OBRE shall send notice to the school of an informal conference before the Advisory Council and of pending disqualification pursuant to Section 30-15(d) of the Act by certified or registered mail, return receipt requested or by other signature restricted delivery service.

- b) Continuing Education instructors

- i) An applicant seeking approval from OBRE to become an approved CE

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instructor shall submit a completed application, on forms provided by OBRE, along with the required fee as provided for in Section 1450.95 of this Part.

- 2) An individual applying to become an approved CE instructor shall meet at least one of the following criteria:

- A) Licensed and active in practice as a real estate broker for at least the last three years; or
- B) Is currently admitted to practice law and for three years has been engaged in real estate related work as part of his or her/her active practice of law or has taught pre-licensure real estate courses; or
- C) Is a properly credentialed instructor of real estate courses who is or has been engaged in the practice of teaching for at least three years; or as evidenced by a professional designation, such as but not limited to a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or
- D) Is properly licensed or certified to engage in the business of appraisal, finance and/or related real estate occupations (not including real estate salespersons or leasing agents) and for at least three years has been engaged in that practice; or
- E) Is qualified by experience or education, or both, to teach CE pursuant to the provisions of Section 30-15(b)(a) of the Act. In determining whether a person is qualified to teach CE under that Section, the Director of Real Estate shall consider the following:
 - i) The individual's teaching experience;
 - ii) The individual's real estate experience;
 - iii) Any real estate, business or legal education of the individual; and
 - iv) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state). Any applicant who the Director has determined does not meet the requirements of this subsection (b)(2)(E) shall be evaluated by the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Commissioner for approval or disapproval of the applicant as a CE instructor. OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.
- 3) CE instructors approved to teach salesperson and broker pre-licensure courses, pursuant to Section 1450.275 of this Part,

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are deemed approved as CE instructors as long as they maintain their approval under Section 1450.275 of this Part, submit an application to OBRE for approval as a CE instructor and pay the required fee.

4) Within 30 days after receipt of an application, OBRE shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.

Section 1450.290 Expiration Date and Renewal Period for Continuing Education Schools and Continuing Education Instructors

EMERGENCY

- a) Every continuing education school license shall expire on June 30 of each even numbered year.
 - b) Every continuing education instructor license and registration of a CE course shall expire on June 30 of each even numbered year.
 - c) Each licensed CE school and CE instructor shall be responsible for renewal of the license on forms provided by OBRE. Failure to receive a renewal form shall not constitute a valid reason for failure to pay the renewal fee or to renew the appropriate license.
 - d) The applicable fees shall be those set forth in Section 1450.95 of this part.
 - e) Each CE school and CE instructor shall submit a list of courses to be taught as part of the renewal application.
 - f) Operation of a CE school; or instructing CE courses on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-20 of the Act.
 - g) Any licensed CE instructor whose license under the Act has expired is eligible to renew the license without paying any lapsed renewal fees or reinstatement fees provided that the license expired while the instructor was:
 - 1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States; or
 - 2) engaged in training or education under the supervision of the United States prior to induction into military service; or
 - 3) serving as the Director of Real Estate in the State of Illinois, or as an employee of OBRE.
- A CE instructor renewing his or her license in accordance with this subsection may renew the license within a period of two years following the termination of service and are not required to retest or reapply.
- h) In accordance with Sections 30-20 and 30-25 of the Act, any continuing education school or continuing education instructor whose license under the Act has expired for more than two years shall not be eligible for renewal of licensure.

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- 1) Any CE school or CE instructor whose license has expired for less than two years may renew the license at any time by complying with the requirements of this Section and by paying the fees required.
- 2) Any CE school or CE instructor whose license has been expired for less than two years may renew the license only after providing OBRE with evidence that, in the case of a CE school, all qualifications of Section 1450.285 have been met. In the case of a CE instructor, that CE instructor must show he or she has taught at least one course within the period of licensure or has completed an OBRE-approved instructor training program.

Section 1450.295 Distance Learning Programs**EMERGENCY**

Distance learning programs shall be affiliated with an approved school and meet the curriculum requirements set forth in Section 1450.275 and/or Section 1450.285 of this Part, as applicable. Distance learning programs mean those courses designed to be taken by means other than attendance in a classroom, e.g., Internet courses or correspondence/home study type courses.

- a) The program shall:
 - 1) Be approved by OBRE in accordance with Section 30-5 of the Act;
 - 2) Maintain a brief description of each lesson;
 - 3) Maintain a list of approved instructors who prepare each specific lesson;
 - 4) Maintain a list of titles, authors, publishers, and copyright dates of all instructional materials;
 - 5) Require minimum passing scores for all examinations of no less than 75%;
 - 6) Consist of at least 5 lessons and examinations plus one additional final examination of at least 100 questions.
- b) The program shall develop a written statement of teaching methods to be employed and materials and equipment needed for each course of instruction.
- c) The program shall establish written policies and procedures for grading examinations and lessons, which shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials.
- d) The program shall establish performance objectives for each specific course of study.
- e) The program shall maintain an average passing rate of at least 40% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December.
- f) An approved instructor shall be available during normal business hours to answer student questions.
- g) Students shall be allowed to attend the school's regularly scheduled

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pre-licensure or CE courses.

Section 1450.300 Class Attendance Requirements**EMERGENCY**

- a) Attendance at all classes is mandatory; however, credit for absences not to exceed 10% of the class hours may be made up by attendance at make-up classes as provided in subsection (b) below. Absences in excess of 10% of class hours shall result in failure of the course.
- b) Each school shall provide time and facilities for conducting make-up classes for students who were absent from the regularly scheduled class period.

Section 1450.305 Recruitment at Test Center**EMERGENCY**

Recruitment at test facilities where the Illinois Real Estate Licensure Examination is being conducted is not permitted before, during, or after the examination.

Section 1450.310 Withdrawal of Approval of Schools**EMERGENCY**

- a) Upon written recommendation of the Board, OBRE shall withdraw, suspend or place on probation the approval of the pre-licensure school or a continuing education school when the quality of the program fails to continue to meet the established criteria as set forth in this Part or if approval of the school or program was based upon false or deceptive information.
- b) If the Board has reason to believe there has been any fraud, dishonesty, or lack of integrity in the furnishing of any documentation for the evaluation of a school or program, it shall refer the matter to the appropriate personnel for investigation and any disciplinary action which might be appropriate under the Act.
- c) An approved pre-licensure school which does not maintain an average passing rate of at least 40% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December, shall at the recommendation of the Board, receive a written warning of noncompliance from OBRE. Approval may be suspended, withdrawn or other disciplinary action taken in accordance with this Part if the school fails to maintain an average passing rate of at least 40% of all students who take the licensure examination for the first time over the next 6 month period.
- d) A probation period shall be further defined as a time during which an approved school cannot receive approval for any course additions or changes.
- e) A real estate program whose approval is being reconsidered shall be given at least 30 days written notice prior to any reconsideration by

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- the Board. The officials in charge may either submit written comments or request a hearing before the Board.
- f) In the event the real estate license of the administrator of an approved school is suspended or revoked, the school approval shall automatically be rescinded.

Section 1450.315 Discipline of Schools or Instructors**EMERGENCY**

- a) Upon written recommendation of the Board to the Commissioner, OBRE may refuse to issue or renew a license, reprimand, fine, withdraw approval, place on probation, suspend, or revoke, any license or otherwise discipline any licensee of any real estate pre-license school, pre-license instructor, approved CE school, approved CE instructor, course, or applicant for the license when, at any time:
- 1) The quality of the course, instruction or program fails to meet the established criteria as set forth in the Act and this Part.
 - 2) If the license approval was based upon false or deceptive information.
 - 3) If any other professional license, accreditation, certification of the instructor or school is suspended, revoked or otherwise disciplined.
 - 4) When the applicant or licensee has:
 - A) subverted or attempted to subvert the integrity of any exam or course, including through improper reproduction of an exam, providing an answer key to an exam, cheating, bribery or otherwise, or aids and abets an applicant or licensee to subvert the integrity of any exam or course;
 - B) made any substantial misrepresentation, misleading or untruthful advertising, including without limitation guaranteeing success or a "pass score" on any exam or in any course or using any trade name or insignia of membership in any educational or any real estate organization of which the applicant or licensee is not a member;
 - C) taught real estate courses without being qualified, including but not limited to, being unapproved by OBRE, being unlicensed, having a nonrenewed license or being uncertified, or aids and abets an unqualified individual to teach a real estate course;
 - D) failed to provide information to OBRE as required under any provision of the Act or this Part; or
 - E) disregarded or violated any provision of the Act or this Part.
 - b) Disciplinary proceedings shall be conducted by the Board as provided for in the Act and Subpart F of this Part.
 - c) OBRE may temporarily suspend without hearing the approval for a licensed CE school's courses for failure to comply with the Act or these Rules upon recommendation of the Advisory Council. No CE credit

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shall be granted to any licensee for completing a CE course for which the approval of OBRE has been temporarily suspended.

SUBPART H: GRANTING VARIANCES

Section 1450.320 Granting Variances**EMERGENCY**

- a) The Commissioner of Banks and Real Estate may grant variances from these rules in individual cases where he or she finds that:
- 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Commissioner shall notify the Board of his or her intention to grant a variance, and the reasons therefor, at a meeting of the Board, prior to granting the variance.

SUBPART J: TRANSITION RULES

Section 1450.325 Salesperson Applicants - Transition Provisions**EMERGENCY**

- a) Until March 31, 2000, an applicant for a salesperson license may be allowed to sit for the examination if the applicant submits either:
- 1) a course completion transcript which verifies that on or before December 30, 1999, the applicant completed the previously required 30 hour Real Estate transactions course; or
 - 2) proof of current Illinois attorney registration or a baccalaureate degree involving real estate as provided for under the Part, and otherwise meets the licensure requirements in effect on December 30, 1999, including the age requirements.
- b) If an applicant for a salesperson license eligible to sit for the examination under subsection (a) of this Section fails the salesperson examination three times, the applicant shall be allowed to sit for the examination on or before March 31, 2000, only upon completion of the 15 hour Salesperson Real Estate Transaction Supplemental Course.

Section 1450.330 Broker Applicants - Transition Provisions**EMERGENCY**

- a) Until March 31, 2000, an applicant for a broker's license may be allowed to sit for the examination if the applicant:
- 1) submits a course completion transcript which verifies that on or before December 30, 1999, the applicant completed the previously required 90 credit hours of broker pre-license courses; or
 - 2) submits proof of current Illinois attorney registration or a

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baccalaureate degree involving real estate as provided for under this Part, and otherwise meets the licensure requirements in effect on December 30, 1999, including the salesperson pre-licensure course completion, salesperson experience and age requirements.

- b) If an applicant for a broker license eligible to sit for the examination under subsection(a) of this Section fails the broker examination three times, the applicant shall be allowed to sit for the examination on or before March 31, 2000, only upon completion of the 15 hour Broker Administration course.

**Section 1450.335 Continuing Education - Transition Provisions
EMERGENCY**

- a) As of February 1, 2000, CE schools may no longer provide a consolidated classroom curriculum of four CE course for twelve credit hours in a calendar day and students may not earn more than six credit hours in a calendar day. CE course credit earned through a distance learning program is not subject to the maximum of six credit hours in a calendar day.
- b) Renewal applicants may satisfy the CE core course requirements by the submission of completion of courses that had been approved at the time of completion as mandatory courses. The acceptance of mandatory courses in lieu of core courses shall be permitted until:
- 1) April 30, 2001, for salesperson renewal applicants; and
 - 2) April 30, 2001, for broker renewal applicants.

**Section 1450.340 Education License Renewals - Transition Provisions
EMERGENCY**

- a) Pre-licensure. Every active pre-licensure school, pre-licensure school branch location, and pre-licensure instructor shall be granted written authority to continue to educate through to June 30, 2000, as if the licenses had been renewed on December 31, 1999. A licensee offering educational services under this authority may be disciplined in the same manner as an active licensee practicing by authority of a renewed certificate. Every pre-licensure school, pre-licensure school branch location, and pre-licensure instructor license and every pre-licensure course registration shall expire on June 30, 2000, and may be renewed for a period to June 30, 2001 upon submission of the required forms and payment of the fee required by Section 1450.95. Thereafter, the licenses will expire on June 30 of each odd numbered year.
- b) CE. Every active license to a CE school, CE instructor, and restricted CE instructor under the Act shall be granted written authority to continue to educate through to June 30, 2000, as if the licenses had been renewed on April 30, 2000. A licensee offering educational services under this authority may be disciplined in the same manner as an active licensee practicing by authority of a renewed

certificate. Every CE school, CE instructor, and restricted CE instructor license and every CE course registration shall expire on June 30, 2000, and may be renewed for a two year period upon submission of the required forms and payment of the fee required by Section 1450.95. Thereafter, the licenses will expire on June 30 of each even numbered year.

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NOTICE OF EMERGENCY REPEALER

1) Heading of the Part: Real Estate License Act

2) Code Citation: 68 Ill. Adm. Code 1450

3) Section Numbers: Proposed Action:

1450.10 Repeal
 1450.11 Repeal
 1450.12 Repeal
 1450.15 Repeal
 1450.17 Repeal
 1450.18 Repeal
 1450.19 Repeal
 1450.20 Repeal
 1450.21 Repeal
 1450.25 Repeal
 1450.30 Repeal
 1450.40 Repeal
 1450.45 Repeal
 1450.50 Repeal
 1450.60 Repeal
 1450.70 Repeal
 1450.80 Repeal
 1450.90 Repeal
 1450.95 Repeal
 1450.100 Repeal
 1450.110 Repeal
 1450.120 Repeal
 1450.140 Repeal
 1450.150 Repeal
 1450.170 Repeal
 1450.175 Repeal
 1450.180 Repeal
 1450.185 Repeal
 1450.190 Repeal
 1450.195 Repeal
 1450.200 Repeal
 1450.215 Repeal
 1450.230 Repeal
 1450.240 Repeal
 1450.250 Repeal
 1450.275 Repeal
 1450.280 Repeal
 1450.290 Repeal
 1450.300 Repeal
 1450.305 Repeal
 1450.310 Repeal
 1450.315 Repeal
 1450.320 Repeal
 1450.325 Repeal

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NOTICE OF EMERGENCY REPEALER

1450.330 Repeal

1450.335 Repeal

1450.340 Repeal

1450.345 Repeal

1450.350 Repeal

1450.355 Repeal

1450.360 Repeal

4) Statutory Authority: Implementing and authorized by the Real Estate License Act of 2000 [PA 91-245].

5) Effective Date of Repeal: January 1, 2000

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire: End of the 150 day period.

7) Date Filed with the Index Department: December 28, 1999

8) A copy of the emergency repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Pursuant to Public Act 91-245, effective January 1, 2000 the Office of Banks and Real Estate will commence administering the licensing program for Realtors. Drafting of the rules have just been completed and to ensure that the new Act will have rules for the administration of this Act; emergency rules are necessary until permanent rules can be adopted through regular rulemaking. OBRE is repealing this Part and adopting new rules under this same Part also published in this issue of the *Illinois Register*.

10) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2000 the Office of Banks and Real Estate will commence licensing under the new Real Estate Licensing Act of 2000. OBRE is repealing this Part by emergency rules and adopting new rules at the same Part. The emergency rules set forth definitions, license requirements, and other administrative rules needed to implement the new program until permanent rules can be adopted through the regular rulemaking process.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

13) Information and questions regarding this repealer shall be directed to:

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Name: Tom Schlenhardt
 Address: Legislative Liaison
 Office of Banks and Real Estate
 500 East Monroe, Suite 200
 Springfield, Illinois 62701
 Telephone: 217/782-3000

The full text of the Emergency Repealer begins on the next page:

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NOTICE OF EMERGENCY REPEALER

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VIII: OFFICE
 OF BANKS AND REAL ESTATE
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1450

REAL ESTATE LICENSE ACT OF 1983 (REPEALED)

SUBPART A: GENERAL RULES

Section	Definitions
1450.10	EMERGENCY
1450.11	Educational Requirement of Broker Applicant Licensed as an
EMERGENCY	Illinois Real Estate Salesperson (Renumbered)
1450.12	Educational Requirements for a Baccalaureate Degree with a Minor
EMERGENCY	in Coursework in Real Estate (Renumbered)
1450.15	Salesperson and Broker Examinations
EMERGENCY	
1450.17	Applications for Salespersons and Brokers Licenses by Examination
EMERGENCY	
1450.18	Sponsor Card
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1450.19	Inoperative Salespersons and Brokers Licenses
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1450.20	Managing Broker Responsibilities
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1450.25	Branch Offices
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1450.30	Corporations and Partnerships
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1450.40	Special Accounts (Escrow Accounts)
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1450.45	Fees
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1450.50	Disclosure
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1450.55	Agency Disclosure Pursuant to Section 18.2 of the Act (Repealed)
1450.60	Employment Contracts
EMERGENCY	
1450.70	Listing Agreements
EMERGENCY	
1450.80	Written Agreements
EMERGENCY	
1450.90	Advertising
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EMERGENCY	

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1450.100 Discrimination
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1450.110 Unworthiness or Incompetence to Act as a Broker or Salesperson
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1450.120 Hearings
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1450.140 Assumed Name
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1450.150 Reciprocal Licensure
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1450.170 Rental Finding Services
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1450.175 Continuing Education
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1450.180 Renewals
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1450.185 Granting Variances
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1450.190 Procedure to Contest An Automatic Termination
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1450.195 Penalties for Criminal Acts
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1450.200 Real Estate Recovery Fund
EMERGENCY

SUBPART B: SCHOOL RULES

Section
1450.210 Approval of Schools (Repealed)
1450.215 Home Study/Correspondence Programs
EMERGENCY
1450.220 Definition of Class Hour and Credit Hour (Repealed)
1450.230 Educational Requirement of Broker Applicant Who is a Licensed
EMERGENCY Illinois Real Estate Salesperson (Renumbered)
1450.240 Class Attendance Requirements
EMERGENCY
1450.250 Requirements for Minor in Real Estate (Renumbered)
EMERGENCY
1450.260 Qualification of Applicants Under 21 Years of Age (Repealed)
1450.270 Educational Requirements for Reinstatement of License (Repealed)
1450.275 Recruitment at Test Center
EMERGENCY
1450.280 Approval of Schools
EMERGENCY
1450.290 Withdrawal of Approval
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SUBPART C: LEASING AGENT RULES

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Section
1450.300 Definitions
EMERGENCY
1450.305 General Provisions
EMERGENCY
1450.310 Examination Requirement
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1450.320 Sponsor Card
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1450.325 Issuance of License
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1450.330 Termination of Employment of Licensee
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1450.335 Student Leasing Agent
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1450.345 Continuing Education Requirement
EMERGENCY
1450.350 Fees
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1450.355 Approved Courses, Course Sponsors, and Instructors
EMERGENCY
1450.360 Leasing Agent Disciplinary Provisions
EMERGENCY

APPENDIX A Penalties for Criminal Acts (Repealed)

AUTHORITY: Subpart A implementing Sections 9 and 15 of the Real Estate License Act of 1983 [225 ILCS 455/9 and 15] (see PA 89-23, effective July 1, 1995), and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)]; Subpart B implementing Sections 4(17) and 11 of the Real Estate License Act of 1983 [225 ILCS 445/4(17) and 11] (see PA 89-23) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (General Rules), effective December 4, 1974; Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (School Rules), effective July 29, 1974; amended at 3 Ill. Reg. 885, effective February 2, 1979; amended at 4 Ill. Reg. 195, effective August 12, 1980; amended at 5 Ill. Reg. 5343, effective May 6, 1981; amended at 5 Ill. Reg. 8541, effective August 10, 1981; codified at 5 Ill. Reg. 11064; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2406, effective February 3, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8221,

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effective July 1, 1982; amended at 9 Ill. Reg. 341, effective January 3, 1985; transferred from Chapter I, 68 Ill. Adm. Code 450 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1450 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2977; amended at 12 Ill. Reg. 8036, effective April 26, 1988; amended at 15 Ill. Reg. 10416, effective July 1, 1991; amended at 16 Ill. Reg. 2204, effective February 14, 1992; emergency amendment at 19 Ill. Reg. 12003, effective August 8, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 16823, effective December 1, 1995; amended at 20 Ill. Reg. 6492, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 3602, effective March 7, 1997; amended at 21 Ill. Reg. 8350, effective June 30, 1997; old part repealed by emergency rulemaking at 24 Ill. Reg. 7830, 1997; effective January 1, 2000, for a maximum of 150 days.

SUBPART A: GENERAL RULES

Section 1450.10 Definitions

EMERGENCY

As used in this Part:

"Act" means the Real Estate License Act of 1983 [225 ILCS 455].

"Board" means the Real Estate Administration and Disciplinary Board of the Office of Banks and Real Estate.

"Class hour" means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through correspondence in a program approved by the Office of Banks and Real Estate.

"Commissioner" means the Commissioner of Banks and Real Estate.

"Director" means the Director of Real Estate, Office of Banks and Real Estate.

"License" means "certificate of registration with the Office of Banks and Real Estate."

"Managing broker" means a broker who has supervisory responsibilities for licensees in a branch office or single office real estate brokerage.

"Principal broker" means a managing broker who has active control of a multi-office real estate brokerage.

"Semester hours" shall be converted into quarter hours at the ratio of

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2 semester hours to 3 quarter hours.

"Sponsoring broker" means a firm or individual broker (in the case of a sole proprietorship) who employs or contracts for services with the firm's sponsored licensees.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.11 Educational Requirements of Broker Applicant Licensed as an Illinois Real Estate Salesperson (Renumbered)

EMERGENCY

a) 90 class hours of instruction in approved courses are required for broker applicants. Credit shall be given for class hours successfully completed in the following manner:

- 1) 30 class hours credit for the Real Estate Transactions Course.
- 2) 15 class hours credit for the Advanced Real Estate Principles.
- 3) 15 class hours credit for Contracts and Conveyancing.
- 4) Credit for the remaining 30 class hours may be obtained by completing at least two of the following courses listed:
 - A) Appraisal
 - B) Property Management
 - C) Financing
 - D) Sales and Brokerage
 - E) Farm Property Management
 - F) Real Property Insurance

b) An applicant for a broker license who is licensed as an Illinois real estate salesperson is presumed to have completed the Real Estate Transactions Course provided that such licensee has not been inactive or nonrenewed for five years or more. Having received 30 class hours credit as a licensed real estate salesperson, an additional 30 class hours credit cannot accrue by taking the Real Estate Transactions Course.

(Source: Section 1450.11 renumbered from Section 1450.230, amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.12 Educational Requirements for a Baccalaureate Degree with a Minor in Coursework in Real Estate (Renumbered)

EMERGENCY

A "minor in courses involving real estate" as set forth in Section 11 of the Act shall consist of the following:

- a) 30 semester hours in accounting, law, business law, finance, agriculture, computer science, land economics, real estate principles, and appraisal or related courses.
- b) No more than 10 semester hours shall be granted in any one subject listed in subsection (a) above.

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- c) At least 6 semester hours of the 30 semester hours listed in subsection (a) above shall be in courses in real estate principles. Thirty (30) class hours in an approved real estate school may be substituted for 6 semester hours in real estate principles.

(Source: Section 1450.12 renumbered from Section 1450.250, amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.15 Salesperson and Broker Examinations EMERGENCY

- a) Each applicant for a salesperson's license shall file an application for examination as determined by the designated testing service. The application shall include:

- 1) Certification that the applicant is 21 years of age. *The minimum age of 21 years shall be waived for any person seeking a license as a real estate salesperson who has attained the age of 18 and can provide evidence of the successful completion of at least 4 semesters of post secondary school study as a full-time student or the equivalent, with major emphasis on real estate courses, in a school approved by the Real Estate Education Advisory Council (Section 11 of the Act). For the purposes of this Section, 48 semester hours shall be determined to meet the requirements of Section 11 of the Act.*
- 2) Certification of graduation from high school or its equivalent (e.g., GED).
- 3) The required fee as provided in Section 15 of the Act.
- 4) Proof of one of the following:
 - A) Currently admitted to practice law by the Supreme Court of Illinois;
 - B) Completion of at least 30 class hours of instruction in real estate courses approved by the Board in accordance with Section 1450.290(d)(2)(A) of this Part;
 - C) Completion of a correspondence course approved by the Board in accordance with Section 1450.215 of this Part; or
 - D) Evidence of receiving a baccalaureate degree from a college or university with a minor in coursework in real estate as defined in Section 1450.12 of this Part.

- b) Each applicant for a broker's license shall file an application for examination as determined by the designated testing service. The application shall include:

- 1) Certification that the applicant is 21 years of age;
- 2) Certification of graduation from high school or its equivalent (e.g., GED);
- 3) The required fee as provided in Section 15 of the Act;
- 4) Proof of one of the following:
 - A) Currently admitted to practice law by the Supreme Court of Illinois;

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- B) Completion of at least 90 hours of instruction in real estate courses approved by the Board in accordance with Section 1450.11 of this Part;
- C) Completion of a correspondence course approved by the Board in accordance with Section 1450.215 of this Part; or
- D) Evidence of receiving a baccalaureate degree from a college or university with a minor in coursework in real estate as defined in Section 1450.12 of this Part.

- c) Applicants for licensure based upon proof of either subsection (B), (C), or (D) as outlined in Section 1450.15(c)(4) above shall submit proof of one year of the last three years of active practice as a licensed salesperson.

- 1) Proof of active practice shall be in the form of a verification of employment/experience certification on a form provided by the Office of Banks and Real Estate.
- 2) If an applicant sits for the examination prior to meeting the experience requirement, the examination scores shall be null and void and the applicant shall be required to retake the examination.
- d) Applicants who complete the instruction described in subsection (a)(4)(B) and (c)(4)(B) above after the final filing date for an examination will be permitted to submit such proof at the time of the examination, subject to the late fee and late proof procedures established by the testing service designated by the Office of Banks and Real Estate.
- e) *If an applicant has failed an examination 3 times, the applicant must successfully complete a refresher course or its equivalent approved by the Board in order to be readmitted to sit for the examination (Section 12 of the Act).*
 - 1) The refresher course must be completed after the third failure.
 - 2) *For the purposes of this Section, the fourth attempt shall be the same as the first (Section 12 of the Act).*
- f) Pursuant to Section 12 of the Act, the 5 year time period does not apply to education earned as part of a baccalaureate degree program in accordance with Section 1450.12 of this Part.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.17 Applications for Salespersons and Brokers Licenses by Examination EMERGENCY

- a) Each applicant for a salesperson's license shall submit to the Office of Banks and Real Estate:
- 1) An application which is signed by the applicant and on which all questions have been answered;
 - 2) The fee as provided by Section 15 of the Act;
 - 3) Proof of successful completion of the examination authorized by

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- the Office of Banks and Real Estate;
- 4) A properly completed sponsor card issued in accordance with Section 1450.18(b); and
 - b) Each applicant for a broker's license shall submit to the Office of Banks and Real Estate:
 - 1) An application which is signed and on which all questions have been answered;
 - 2) The fee as provided by Section 15 of the Act;
 - 3) Proof of successful completion of the examination authorized by the Office of Banks and Real Estate;
 - 4) A properly completed sponsor card form issued in accordance with 1450.18(b); and
 - 5) A properly completed consent to audit and examine special accounts form.
 - c) An applicant shall have one year from the date of receipt of a passing score on the examination to file an application with the Office of Banks and Real Estate and to meet all of the requirements for licensure.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.18 Sponsor Card EMERGENCY

- a) Authority
 - 1) A properly issued sponsor card shall serve as a temporary permit allowing the sponsored individual to engage in the practice of real estate.
 - 2) The sponsored individual holding a temporary permit may practice real estate for a maximum of 45 days only under the supervision of the sponsoring broker (or the designated managing broker) named on the sponsor card.
- b) Circumstances of Issuance

A licensed real estate broker (or the designated managing broker) shall issue a sponsor card to an individual only in the following instances:

 - 1) Upon presentation of a real estate examination pass score report which states that the broker may issue a sponsor card;
 - 2) Upon presentation of an original license endorsed by the broker by whom the licensee was previously employed or with whom the licensee was previously associated;
 - 3) Upon presentation of a license expired for less than 5 years.
- c) Issuance Procedures

Upon issuance of a sponsor card, the issuing broker shall, within 24 hours of issuance, submit the following to the Office of Banks and Real Estate by certified or registered mail return receipt requested:

 - 1) Licensees
 - A) a copy of the sponsor card; and

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- B) appropriate sponsor card fee as set forth in Section 15 of the Act; and
- C) the properly endorsed real estate license and pocket card of the sponsored licensee; or
- D) an expired license of the sponsored licensee along with the fee as provided by Section 15 of the Act and proof of education, if applicable, as required by Section 13.2 of the Act; or
- E) the pocket card of the licensee and a sworn statement by the licensee explaining why the license is not submitted. If neither the license nor pocket card is available, the status of the license shall be verified by the Director of Real Estate or his designee.
- 2) Salesperson Applicant
 - A) a copy of the sponsor card;
 - B) a real estate pass score report which states that the broker may issue a sponsor card; and
 - C) other documentation as required by Section 1450.17(a).
- 3) Broker Applicant
 - A) a copy of the sponsor card;
 - B) a real estate pass score report which states that the broker may issue a sponsor card; and
 - C) other documentation as required by Section 1450.17(b).
- 4) Should applicant be found not to have completed all the requirements including experience, his sponsor card shall be void, he shall be considered to have never been authorized to practice, and he shall be subject to disciplinary action in accordance with Section 18 of the Act and Section 1450.305 of this Part.
- 5) The broker issuing the sponsor card shall retain a copy of such card until such time as the license is received and properly displayed in the broker's office.
- d) The Office of Banks and Real Estate shall, within 30 days of receipt of the sponsor card, appropriate fees and appropriate documentation, issue a license to the sponsored licensee, or notify the applicant why such license cannot be issued.
- e) Expiration of the Sponsor Card

A sponsor card shall be valid for a period of 45 days from issue date unless extended for an additional 45 days by the Office of Banks and Real Estate for good cause.

 - 1) Good cause shall be limited to those instances where the Office of Banks and Real Estate has unnecessarily delayed the processing of a license.
 - 2) The request for extension shall be considered granted only upon written notice thereof from the Office of Banks and Real Estate.
- f) Broker/Sole Proprietor
 - 1) A licensed real estate salesperson or attorney who has passed the real estate broker examination may practice as a sole proprietor,

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provided that prior to doing business as a sole proprietor the prospective broker submits to the Office of Banks and Real Estate the following by certified or registered mail return receipt requested:

- A) a copy of the sponsor card, issued to himself; and
 - B) the appropriate licensure fees in accordance with Section 15 of the Act;
 - C) a real estate examination pass score report, which states that the broker may issue a sponsor card; and
 - D) a completed consent to audit and examine special accounts form.
- 2) Said prospective broker shall not sponsor or employ any licensee, or manage a partnership or corporation until such time as he is issued a real estate broker license.
- 3) A licensed real estate broker may practice as a sole proprietor or manage a partnership, corporation or branch office provided that prior to doing business the broker complies with the licensing requirements for partnerships, corporations or branch offices set forth in Section 1450.25 or 1450.30 and submits the following to the Office of Banks and Real Estate by certified or registered mail return receipt requested:
- A) a copy of the sponsor card issued to himself; and
 - B) the appropriate sponsor card fee as provided by Section 15 of the Act; and
 - C) his properly endorsed real estate broker license and pocket card; or
 - D) an expired broker license along with the fee set forth in Section 15(b)(3) of the Act and proof of education, if applicable, as required by Section 13 of the Act; or
 - E) the pocket card and a sworn statement by the licensee explaining why the license is not submitted. If neither the license nor the pocket card is available, the status of the license shall be verified by the Director or his designee.
- 4) The broker shall retain a copy of such sponsor card until such time as the license is received.
- 5) The Office of Banks and Real Estate shall within 30 days of receipt of the sponsor card, appropriate fees and documents, issue a license to the broker or shall notify the broker why such license cannot be issued (for example, if additional documentation is required or the documents are completed incorrectly).

- g) Termination
 - 1) Upon termination of a licensee, a managing broker shall immediately:
 - A) Endorse the licensee's license as provided for on that document;
 - B) Submit a photocopy of the endorsed license to the Office of Banks and Real Estate within 24 hours of termination by

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certified mail return receipt requested;

- C) Retain a copy of the endorsed license at least until the expiration date printed on that license, and
 - D) Give the original endorsed license to the licensee.
- 2) Once a license has been endorsed, the licensee is prohibited from practicing real estate until such time as he is issued a properly completed sponsor card.
- h) Display
- Each licensee shall carry either a properly issued sponsor card or a valid pocket card at all times and shall display same upon demand.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.19 Inoperative Salespersons and Brokers Licenses EMERGENCY

- a) "Inoperative" means a status of licensure where the licensee holds a current license under this Act, but that licensee is prohibited from engaging in licensed activities because the licensee is unsponsored or the license of the broker with whom the licensee is associated or by whom he is employed is currently expired, revoked, suspended, or otherwise rendered invalid pursuant to this Act (Section 4(1) of the Act).

- b) Pursuant to Section 12.(b) of the Act, the license of any individual acting as a salesperson whose association with a broker is terminated shall automatically become inoperative immediately upon such termination unless the licensee accepts employment or becomes associated with a new broker or in the case of a broker sponsoring himself.

- c) For the purposes of Section 12.(b) of the Act, salesperson shall be defined as any licensee acting in the capacity of a salesperson whether holding a salesperson or broker's license.

(Source: Added at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.20 Managing Broker Responsibilities EMERGENCY

- a) The managing broker shall comply with the requirements of Section 13 of the Act.
- b) At the time of application for a branch office license, or at the time of renewal of a branch office license, the principal broker shall inform the Office of Banks and Real Estate of the name and certificate number of the manager of the branch office. The name of the branch office shall be the same as that of the main office, or shall clearly delineate the branch office's relationship with the main office (e.g., affiliated with, associated with, subsidiary of). The branch office manager shall have an active license as a broker. The branch office

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manager's primary occupation shall be the supervisor of that office only. The name of the manager of the branch office shall appear on the branch office license. Nothing in this Section shall relieve the principal broker of any legal responsibility for the overall supervision of branch offices.

- c) The managing broker shall be responsible for issuing sponsor cards.
- d) Upon written request within ten days after the loss of a managing broker, the Office of Banks and Real Estate shall issue a written authorization to allow the continuing operation of a licensed office or branch office, provided that the principal broker or representative under a duly executed power of attorney assumes responsibility, in writing, for the operation of the office and agrees to personally supervise the operations. No such authorization shall be valid for more than thirty days unless extended by the Office of Banks and Real Estate for good cause and upon written request by the principal broker. Good cause includes such circumstances as sales under contract pending closing, loss of livelihood for sales associates, and undue hardship caused to sellers.
- e) When a managing broker receives a renewal application from the Office of Banks and Real Estate for another licensee, he shall notify the licensee of such receipt, personally within 7 days or by certified or registered mail within 10 days. Such notice shall also inform the licensee that the unprocessed renewal form will be returned to the Office of Banks and Real Estate, by the broker, 10 days after the date of the notice.
- f) All managing brokers shall notify the Office of Banks and Real Estate on business letterhead of any change of business address within 24 hours of any change. The Office of Banks and Real Estate shall, upon receipt, issue a change of address application which shall be returned within 10 days to the Office of Banks and Real Estate along with the firm license and the appropriate fees specified in Section 15 of the Act. Change of address is required for licensed corporations, partnerships and/or branch offices. A license returned to the Office of Banks and Real Estate for the reason described in this subsection shall remain in good standing until such time as the new licenses are issued and in the possession of the licensee.
- g) The Office of Banks and Real Estate will honor the Order of a court of competent jurisdiction appointing a legal representative for the sole purpose of closing out the affairs of a deceased broker or a broker who has been adjudicated disabled, who was a sole proprietor, until the real estate brokerage is closed but not to actively engage in the brokerage business as defined in Section 4(5) of the Act.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.25 Branch Offices

EMERGENCY

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- a) Brokers wanting to operate a real estate branch office shall, in accordance with Section 13 of the Act, file an application with the Office of Banks and Real Estate, on forms provided by the Office of Banks and Real Estate, together with the following:
 - 1) A properly completed Consent to Examine and Audit Special Accounts Form;
 - 2) The name and license number of the manager of the branch office; and
 - 3) The fee as provided by Section 15 of the Act.
- b) Upon receipt of the above documents and review of the application, the Office of Banks and Real Estate shall issue a license authorizing the broker to engage in real estate activities at that branch office or shall notify the applicant of the reason for the denial of such license.
- c) The name of the branch office shall be the same as that of the main office, or shall clearly delineate the branch office's relationship with the main office (e.g., affiliated with, associated with, subsidiary of).
- d) The broker in charge of a branch office shall submit sponsor cards for himself and brokers and salespersons in his employ only AFTER receipt of the branch office license.

(Source: Added at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.30 Corporations, Partnerships, and Limited Partnerships
EMERGENCY

- a) Persons who desire to practice real estate in this State in the form of a partnership or corporation shall, in accordance with Section 3 of the Act, file an application with the Office of Banks and Real Estate, on forms provided by the Office of Banks and Real Estate, together with the following:
 - 1) If an assumed name is to be used, a copy of the assumed name certificate;
 - 2) A Federal Employer Identification Number (FEIN). If a FEIN has not been issued, a photocopy of the FEIN application;
 - 3) A properly completed consent to examine and audit special accounts form;
 - 4) A properly completed real estate corporation/partnership information form;
 - 5) The fee as provided by Section 15 of the Act.
- b) All requirements for a license to practice as a corporation or partnership shall be met within 1 year of the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be considered for licensure, such applicant shall file a new application and fee.
- c) Corporations, in addition to the above, shall submit the following:
 - 1) The name of the corporation and its registered address, a list of

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all officers, and the license number for each officer who is licensed as a real estate broker;

- 2) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the Corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State is also required; and
- 3) All unlicensed officers shall submit with the corporation application affidavits of non-participation. Licensed salespersons cannot be officers of the corporation even if they submit an affidavit of non-participation.
- d) Partnerships, in addition to the above, shall submit the following:
 - 1) An application containing the name of the partnership and its business address and the names of all general partners, and the license number of each general partner;
 - 2) An affidavit stating that the partnership has been legally formed.

- e) Limited Partnerships, in addition to the above, shall submit the following:
 - A) A letter of authority from the Secretary of State's Limited Partnership Department; and
 - B) A listing of all limited partners and their license numbers.

- f) Upon receipt of the above documents and review of the application, the Office of Banks and Real Estate shall issue a license authorizing the partnership or corporation to engage in the practice of real estate or shall notify the applicant of the reason for the denial of such license.

- g) No corporation shall be granted a license, or engage in the business or capacity, either directly or indirectly, of a real estate broker, unless every officer of such corporation who actively participates in the real estate activities of such corporation holds a license as a real estate broker and unless every employee who acts as a salesperson for such corporation holds a license as a real estate broker or salesperson.

- h) No partnership shall be granted a license, or engage in the business or serve in the capacity, either directly or indirectly, of a real estate broker, unless every general partner in such partnership holds a license as a real estate broker, and unless every employee who acts as a salesperson for such partnership holds a license as a real estate broker or salesperson (Section 3 of the Act). Licensed salespersons who have an ownership interest in a partnership shall only be limited partners.

- i) Stenographic, clerical, or office personnel not directly engaged in the practice of real estate brokerage as defined in Section 4(4) of the Act are not required to be licensed.

- j) No corporation shall be licensed to conduct a brokerage business where an individual salesperson or group of salespersons owns or directly or

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indirectly controls more than 49% of the shares of stock or other ownership interest in the corporation or constitutes more than 49% of the directors of the corporation.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991.)

Section 1450.40 Special Accounts (Escrow Accounts)
EMERGENCY

- a) Escrow Monies
 - 1) "Escrow monies" means all monies, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. Escrow monies include, but are not limited to, earnest monies and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased and for which the security deposit is being held (Section 4 of the Act).
 - 2) For purposes of this Section, a sole owner shall be a licensee who has a 100% ownership interest held by the licensee alone or ownership as a joint tenant or tenant by the entirety. Ownership of 100% of the beneficial interest of a land trust by a licensee shall be considered as sole ownership by the licensee.
- b) Requirements
 - 1) Pursuant to Section 18 of the Act, brokers who accept escrow monies shall maintain and deposit in a special account, separate and apart from his personal or other business accounts, all escrow monies entrusted to him while acting as a real estate broker, escrow agent, or as the temporary custodian of the funds of others and shall keep same on deposit in such account until the transactions are consummated or terminated, except to the extent that such monies, or any part thereof, shall be disbursed prior to the consummation or termination, in accordance with the written direction of the principals to the transaction or their duly authorized agents.
 - A) Such account shall be noninterest bearing, unless the character of the deposit is such that payment of interest thereon is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.
 - B) If an interest bearing account is required, the recipient of the interest shall be specifically indicated, in writing, by the principals of the transaction.

- 2) A broker may maintain more than one special account.

- 3) A special account need not be maintained by a broker who does not receive escrow monies entrusted to him while acting as a real estate broker, or as escrow agent, or as temporary custodian of

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the funds of others.

4) All escrow monies, interest bearing or non-interest bearing, shall be placed in a federally insured depository.

5) All escrow monies collected by a licensee on behalf of owners pursuant to property management activities shall be placed in a special account. The balance in the special account shall not be less than the liability represented by security deposits which are to be held in the account. These requirements may be waived in writing by the tenants. Such waiver, if included in the lease, shall appear in bold print.

c) Disputes

1) In the event of a dispute over the return or forfeiture of any escrow monies held by the broker or if a broker knows there are facts or circumstances which should reasonably cause a broker to know that any party to a transaction contests or disagrees with an anticipated disbursement of escrow monies held by the broker, the broker shall continue to hold the deposit in his special account:

A) until he has a written release from all parties consenting to its disposition;

B) until a civil action is filed, by either the broker or one of the parties, to determine its disposition, at which time payment may be made into court;

C) until the funds are turned over to the Illinois Department of Financial Institutions because of inactivity of the account or inability to locate the parties; or

2) In the event of a dispute over the return of escrow monies a broker is authorized to withdraw from his special account such amounts as may be provided for by contract and which are necessary to reimburse the broker for the handling of the escrow monies, including the participation in or filing of any civil action to determine the appropriate disposition of the monies, or to pay any commissions or fees authorized by subsection (i) below. This subsection applies to an interpleader action only.

d) Notification and Consent

1) Each broker, corporation, and partnership shall, at the time of original application for licensure and at the time of renewal of licensure, on forms provided by the Office of Banks and Real Estate, file with the Office of Banks and Real Estate the name of the bank(s), savings and loan associations, or other recognized depositories in which each special account is maintained, and the name of each account, and the name(s) of the person(s) authorized to withdraw funds from such accounts, and shall consent on such form to the examination and audit of all accounts by the Office of Banks and Real Estate. The bank, savings and loan association or other recognized depository shall certify on the form that the information contained therein is correct. A new form shall be executed by the broker and filed

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with the Office of Banks and Real Estate within 10 days of the time of a change of depository, method of doing business, person authorized to make withdrawal and/or opening of additional accounts.

2) Any broker who fails to file the required form within the time limit shall be deemed to have endangered the interest of the public and is subject to discipline pursuant to Section 19(h)(12) of the Act.

e) Authorization. As a condition of licensure, each broker shall authorize the Office of Banks and Real Estate to examine each special account opened by him in connection with the broker's real estate business, shall obtain the certification of the bank or savings and loan association of the special account and shall consent to the examination and audit of special accounts by the Office of Banks and Real Estate. A new authorization shall be filed with the Office of Banks and Real Estate with every license renewal application. The certification and consent shall be furnished on forms prescribed by the Office of Banks and Real Estate.

f) Commingling Prohibited. Each broker shall deposit only funds received in connection with any real estate transaction in a special account designated as a special account and shall not deposit personal funds in a special account, except a broker may deposit from his own personal funds, and keep in any special account, an amount sufficient to avoid incurring service charges relating to the special account. The sum shall be specifically documented as being for service charges and the broker shall have proof available that the amount of his own funds in the special account does not exceed the minimum amount required by the depository to maintain the account without incurring service charges.

g) Time of Deposit. All funds accepted by a broker on behalf of his principals shall be placed in the broker's special account, of which the Office of Banks and Real Estate has received notice pursuant to subsection (d) above, not later than the next business day following acceptance of the real estate contract. If such funds are received on a day prior to a bank holiday or any other day on which the bank or savings and loan association is closed, such funds shall then be deposited on the next business day upon which the depository is open.

1) Branch Office Special Account. If a broker maintains a special account at a Branch Office, the Office of Banks and Real Estate shall receive notice pursuant to subsection (d) above and a separate bookkeeping system shall be maintained in the branch office as set forth in subsection (h) below.

2) No Branch Office Special Account. If a broker does not maintain a special account at a branch office, the broker in charge of the branch office shall deliver or mail such funds received at the branch office to the broker's main office not later than the next business day following acceptance of the real estate contract. The funds received at the main office from a branch office shall

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be placed in the broker's special account of which the Office of Banks and Real Estate has received notice pursuant to subsection (d) above, not later than the next business day following receipt of such funds from the branch office.

h) Bookkeeping System. Each broker shall maintain, in his office or place of business, a bookkeeping system in accordance with sound accounting principles, and without limiting the foregoing, such system shall consist of at least the following:

- 1) A record book, called a journal, for each special account. Such journal shall show the chronological sequence in which funds are received and disbursed by the broker:
 - A) For funds received such journal shall include the date, the name of the party who delivers such funds to the broker, the name of the person on whose behalf such funds are delivered to the broker and the amount of such funds so delivered.
 - B) For fund disbursements, such journal shall include the date, the payee, the check number and amount disbursed.
 - C) A running balance shall be shown after each entry (receipt or disbursement).
- 2) A ledger or a record book shall show the receipt and the disbursement of funds affecting a single particular transaction such as between buyer and seller, or landlord and tenant, or the respective parties to any other relationship. The ledger shall include the names of both parties to a transaction, the amount of such funds received by such broker and the date of such receipt. The ledger shall show, in connection with the disbursement of such funds, the date thereof, the payer, the check number and the amount disbursed. The ledger shall segregate one transaction from another transaction. There shall be a separate ledger or separate section of each ledger, as the broker shall elect, for each of the various kinds of real estate transactions (e.g., lease).
- 3) Each broker shall reconcile, within ten days after receipt of the monthly bank statement, each special account maintained by the broker except where there has been no transactional activity during the previous month. Such reconciliation shall include a written work sheet comparing the balances as shown on the bank or savings and loan association statement, the journal and the ledger, respectively, in order to insure agreement between the special account and the journal and the ledger entries with respect to such special account. Each such reconciliation shall be kept for at least three years from the last day of the month covered by such reconciliation.
- 4) A broker may employ a more sophisticated bookkeeping system based on sound accounting principles, including a system of electronic data processing equipment that includes information required by the bookkeeping system set forth in subsection(h)(1), (2) and (3)

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- above.
- 5) A broker may employ a special bookkeeping system for each special account, provided that the special account bookkeeping system is in accordance with an agreement between the broker and the principals. At a minimum, the bookkeeping system set forth in subsection(h)(1), (2) and (3), above shall be required.
 - 6) The Office of Banks and Real Estate shall have available for distribution, on request, samples of approved journal, ledger and reconciliation sheets.
 - 7) Pursuant to Section 18(9) of the Act, the broker shall make available to the real estate enforcement personnel of the Office of Banks and Real Estate during business hours all escrow records and related documents maintained in connection with the practice of real estate.
 - i) Disbursements of Funds for Commissions and Fees
 - 1) Commissions and/or fees earned by a broker in any transaction shall be disbursed by the broker from the funds deposited in a special account no earlier than the day the transaction is consummated or terminated and not later than the next business day after the transaction is consummated or terminated, or otherwise in accordance with the written direction of all principals to the transaction.
 - 2) Authorized disbursements are those which are made on behalf of, and at the written direction of, all principals to the transaction.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991.)

Section 1450.45 Fees EMERGENCY

- a) License of real estate salesperson.
 - 1) The fee for an initial license as a salesperson is \$100. The fee must accompany the application to determine the applicant's fitness to receive a license.
 - 2) The fee for renewal of a salesperson's license which has not expired shall be calculated at the rate of \$25 per year.
 - 3) The fee for the renewal of a salesperson's license which has been expired for not more than 5 years, as provided for in Section 13.2 of the Act, is the sum of all lapsed renewal fees plus \$50.
- b) License of Broker.
 - 1) The fee for an initial license as a broker is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a broker's license which has not expired shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a broker's license which has been expired for not more than 5 years, as provided for in Section

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- 13.2 of the Act, is the sum of all lapsed renewal fees plus \$50.
- c) License of partnership, limited liability company, or corporation.
- 1) The fee for an initial license for a partnership, limited liability company or corporation is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a license for a partnership, limited liability company, or corporation shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a license for a partnership, limited liability company or corporation which has been expired is the sum of all lapsed renewal fees plus \$50.
- d) License for Branch Office.
- 1) The fee for an initial license for a branch office is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a branch office license shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a branch office license which has been expired is the sum of all lapsed renewal fees plus \$50.
- e) Real Estate School and Instructor Fees.
- 1) The fee for an application for initial approval of a private, business, or vocational real estate school is \$1,000. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for renewal of approval of a private, business, or vocational real estate school shall be calculated at the rate of \$500 per year.
 - 3) The fee for the renewal of approval of a private, business, or vocational real estate school which has been expired is the sum of all lapsed renewal fees plus \$50.
 - 4) The fee for an application for initial approval of a branch for a private, business, or vocational real estate school is \$150 per applicant. The fee must accompany the application to determine an applicant's fitness to receive approval.
 - 5) The fee for renewal of approval of a branch for a private, business, or vocational real estate school shall be calculated at the rate of \$75 per branch per year.
 - 6) The fee for the renewal of approval of a branch for a private, business, or vocational real estate school which has been expired is the sum of all lapsed renewal fees plus \$50.
 - 7) The fee for transferring a branch location shall be \$25 per transfer.
 - 8) The fee for application for initial approval of a private, business, or vocational real estate school instructor is \$50. The fee must accompany the application to determine the applicant's fitness for approval.
 - 9) The fee for renewal of approval of a private, business, or

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- vocational real estate school instructor shall be calculated at the rate of \$25 per year.
- 10) The fee for the renewal of approval of a private, business, or vocational real estate school instructor which has been expired is the sum of all lapsed renewal fees plus \$50.
- f) Continuing Education Sponsor and Instructor Fees.
- 1) The fee for an application for initial approval as a continuing education sponsor shall be \$2,000. The fee must accompany the application to determine an applicant's fitness for approval.
 - 2) The fee for renewal of approval as a continuing education sponsor shall be \$2,000.
 - 3) The fee for renewal of approval as a continuing education sponsor which has expired shall be the sum of all lapsed renewal fees plus \$50.
 - 4) The fee for an application for initial approval as a continuing education instructor shall be \$15. The fee must accompany the application to determine an applicant's fitness to receive approval.
 - 5) The fee for renewal of approval as a continuing education instructor shall be \$15.
 - 6) The fee for the renewal of approval as a continuing education instructor which has been expired is the sum of all lapsed renewal fees plus \$50.
- g) General.
- 1) All fees paid pursuant to the Act and this Section are non-refundable.
 - 2) The fee for the issuance of a duplicate license or pocket card, for the issuance of a replacement license or pocket card for a license or pocket card which has been lost or destroyed, for the issuance of a license with a change of name or address other than during the renewal period, or for the issuance of a license with a change of location of business is \$25.
 - 3) The fee for a certification of a licensee's record for any purpose is \$25.
 - 4) The fee for a wall license showing registration shall be the cost of producing such license.
 - 5) The fee for a roster of persons licensed as brokers or sales persons in this State shall be the cost of producing such a roster.
 - 6) Applicants for an examination as a broker, salesperson, or real estate instructor shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, such fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.

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- 7) The fee for requesting a waiver of continuing education requirements pursuant to Section 37.8 of the Act shall be \$25.
- 8) The fee for processing a sponsor card other than at the time of original licensure is \$25.
- 9) The fee for furnishing a record of proceedings provided for in subsection (h) of Section 20 of this Act or for certifying the record referred to in Section 21 of the Act is \$1 per page of the record.
- 10) Pursuant to Section 15 of the Act, the fee for an initial license for real estate salespersons and real estate brokers shall include a \$10 fee for deposit in the Real Estate Recovery Fund and a \$5 fee for deposit in the Real Estate Research and Education Fund.
- 11) Pursuant to Section 15 of the Act, the fee for an initial license for a partnership or corporation shall include a \$10 fee for deposit in the Real Estate Recovery Fund and a \$5 fee for deposit in the Real Estate Research and Education Fund.
- 12) Pursuant to Section 15 of the Act, the fee for an initial license for a branch office shall include a \$5 fee for deposit in the Real Estate Research and Education Fund.

(Source: Amended at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.50 Disclosure EMERGENCY

- a) No licensee shall withhold material information of which he has knowledge and which is not reasonably discoverable by inspection of the real estate from any party with whom he is doing business under the Act. This Section shall not be construed to require a licensee to violate his duties under the laws of agency.
- b) No licensee shall accept any finder fees, commissions, discounts or any other compensation from any financial institution, title insurance company or any other person other than a broker, without full disclosure in writing of such receipt to all parties to the conveyance of the property.
- c) A licensee shall disclose, in writing, to all parties in that transaction his status as a licensee and any and all interest he or it does have or may have in the real estate constituting the subject matter thereof or in such transaction, directly or indirectly according to the following guidelines:
 - 1) On broker yard signs, no disclosure of ownership is necessary; however, such ownership shall be indicated on any property data form and disclosed to people responding to the ad or the sign. The term "broker owned" or "agent owned" is sufficient disclosure.
 - 2) Only licensees holding inoperative licenses may advertise by owner. Inoperative licensees shall comply with the following if

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advertising by owner:

- A) On "By Owner" yard signs, inoperative licensees shall indicate "broker owned" or "agent owned." "By Owner" newspaper ads shall use the term "broker owned" or "agent owned."
- B) If an inoperative licensee runs an ad, for the purpose of purchasing real estate, he shall disclose in that ad that he is a licensee.
- 3) In addition to subsections (c)(1) and (2), all advertising shall comply with the provisions of Section 1450.90.
- d) No cause of action shall arise against a licensee for the failure to disclose that an occupant of that property was afflicted with Human Immunodeficiency Virus (HIV) or that the property was the site of an act or occurrence which had no effect on the physical condition of the property or its environment or the structures located thereon (Section 31.1 of the Act). Such acts shall include, but not be limited to murder or suicide. This provision is intended to apply to actions taken by the Office of Banks and Real Estate under the Act as well as to all civil actions in Illinois.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.55 Agency Disclosure Pursuant to Section 18.2 of the Act (Repealed) EMERGENCY

(Source: Repealed at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.60 Employment Contracts EMERGENCY

- a) Every broker who employs salespersons or brokers or is associated with other licensees as independent contractors shall have a written agreement with each such person. The agreement shall be dated, signed by the parties and shall cover the salient aspects of their relationship, including, but not necessarily limited to, supervision, duties, compensation and termination.
- b) Licensed activity. A broker may continue to make payments directly to a terminated licensee if such payments are pursuant to terms of an employment agreement and such payments are for licensed activity performed while employed by that broker.
- c) If it is the duty of an employed associated broker to supervise a branch office, the agreement shall so state and contain the address of the branch office supervised by such employed associated broker. A copy of the agreement shall be kept and available for inspection in the branch office supervised by each employed associated broker.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

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Section 1450.70 Listing Agreements

EMERGENCY

- a) All written listing agreements shall contain the following:
- 1) the list price;
 - 2) the agreed basis or amount of commission and the time of payment;
 - 3) the duration of the contract, clearly set forth;
 - 4) name of broker and seller;
 - 5) identification of property involved (address or legal description); and
 - 6) signatures of the parties.
- b) Pursuant to Section 19 of the Act, no licensee shall obtain any written listing agreement containing a clause automatically extending the listing period.
- c) Every written listing shall provide that no amendment or alterations in the terms, with respect to the amount of commission or with respect to the time of payment of commission shall be valid or binding unless made in writing and signed by the parties. No licensee shall use Sale Contract forms that change previously agreed commission payment terms unless seller and listing agent agree to such changes in a written memorandum separate from the Sale Contract. Any such Sale Contract forms may state that a commission is to be paid to a named licensee pursuant to a separate agreement.
- d) If the terms of the listing agreement are such that seller may not receive the earnest money deposit, in the event of purchaser's default, a statement to this effect shall appear in the listing agreement, in letters larger than those generally used in the listing agreement.
- e) Each listing agreement shall clearly state that it is illegal for either the owner or the broker to refuse to display or sell to any person because of their race, color, religion, national origin, sex, handicap, or familial status.
- f) Each listing agreement for a residential property of four units or less, which provides for a protection period subsequent to its termination date, shall also provide that no commission or fee will be due and owing pursuant to the terms of the listing agreement if, during the protection period, a valid, written listing agreement is entered into with another licensed real estate broker.
- g) A broker may discuss a possible future listing agreement with a seller whose property is listed with another broker only under the following conditions:
- 1) when the seller initiates the contact; or
 - 2) when the listing broker upon request fails to provide within 10 calendar days the type and expiration date of the listing agreement between the seller and the listing broker. The request and response shall be in writing and mailed return receipt requested. If the above information is not received within 14 calendar days, the broker may then contact the seller only if

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Section 1450.80 Written Agreements

EMERGENCY

this information cannot be obtained from another source of shared broker information.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.80 Written Agreements

EMERGENCY

- a) No licensee shall solicit, accept or execute any contract or other document relating to a real estate transaction which shall contain any blanks to be filled in after signing or initialing such contract or other document.
- b) No licensee shall make any addition to, deletion from or alteration of any signed contract or other document relating to a real estate transaction without the written, telefax or telegraphic consent or direction from all signatories. No licensee shall process any contract or other document that has been altered after being signed, unless each addition, deletion or alteration is signed or initialed by all signatories at the time of such addition, deletion or alteration.
- c) A true copy of the original or corrected contract or other document relating to a real estate transaction shall be hand delivered or mailed within 24 hours of the time of signing or initialing such original or corrected contract to the person signing or initialing any such contract or other document.
- d) All forms used by licensees intended to become binding real estate contracts shall clearly state this in the heading in large bold type. No licensee shall use a form designated Offer to Purchase when it is intended that such form shall be a binding real estate contract.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.90 Advertising

EMERGENCY

- a) Except for inoperative licensees selling their own property, the broker's business name (which in the case of a franchise shall include the franchise affiliation as well as the individual firm) shall be displayed in all real estate advertisements, including but not limited to newspapers as defined by Section 4(14) of the Act.
- b) No blind advertisements may be used by any licensee regarding the sale or lease of real estate, including his own, or regarding real estate activities or the hiring of all licensees under the Act.
- c) No advertising is to be fraudulent, deceptive, inherently misleading, or proven to be misleading in practice. It is considered misleading, or untrue if, when taken as a whole, there is a distinct and reasonable possibility that it will be misunderstood or will deceive the ordinary purchaser, seller, renter, or owner. Advertising shall contain all information necessary to communicate accurately. The form

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of communication shall be designed to communicate the information contained therein to the public in a direct and readily comprehensible manner.

- d) A sponsored licensee cannot advertise under his own name. All advertising shall be under the direct supervision of the employing broker and in the name of the employer.
- e) No licensee shall list his name under the heading or title "Real Estate" in the telephone directory or otherwise advertise in his own name to the general public through any media of advertising as being in the real estate business without listing the business name of the broker with whom he is affiliated. Printed information relating to the licensee and his name cannot be larger in size than that pertaining to the broker's business name.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.95 Unlicensed Assistants EMERGENCY

- a) Licensees under the Act may employ, or otherwise utilize the services of, unlicensed assistants to assist them with administrative, clerical, or personal activities for which a licensee under the Act is not required.
- b) An unlicensed assistant, on behalf of and under the direction of a licensee, may engage in the following administrative, clerical, or personal activities without being in violation of the licensing requirements of the Act. The following list is intended to be illustrative and declarative of existing law and is not intended to increase or decrease the scope of activities for which a licensee is required under the Act. An unlicensed assistant of a licensee may:
 - 1) answer the telephone, take messages, and forward calls to a licensee;
 - 2) submit listings and changes to a multiple listing service;
 - 3) follow up on a transaction after a contract has been signed;
 - 4) assemble documents for a closing;
 - 5) secure public information from a courthouse, sewer district, water district, or other repository of public information;
 - 6) have keys made for a company listing;
 - 7) draft advertising copy and promotional materials for approval by a licensee;
 - 8) place advertising;
 - 9) record and deposit earnest money, security deposits, and rents;
 - 10) complete contract forms with business and factual information at the direction of and with approval by a licensee;
 - 11) monitor licenses and personnel files;
 - 12) compute commission checks and perform bookkeeping activities;
 - 13) place signs on property;
 - 14) order items of routine repair as directed by a licensee;

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- 15) prepare and distribute fliers and promotional information under the direction of and with approval by a licensee;
- 16) act as a courier to deliver documents, pick up keys, etc.;
- 17) place routine telephone calls on late rent payments;
- 18) schedule appointments for the licensee (this does not include making phone calls, telemarketing, or performing other activities to solicit business on behalf of the licensee);
- 19) respond to questions by quoting directly from published information;
- 20) gather feedback on showings; and
- 21) perform other administrative, clerical, and personal activities for which a licensee under the Act is not required.
- c) An unlicensed assistant of a licensee may not perform the following activities for which a licensee under the Act is required. The following list is intended to be illustrative and declarative of existing law and is not intended to increase or decrease the scope of activities for which a licensee is required under the Act. An unlicensed assistant of a licensee may not:
 - 1) host open houses, kiosks, or home show booths or fairs;
 - 2) show property;
 - 3) interpret information on listings, titles, financing, contracts, closings, or other information relating to a transaction;
 - 4) explain or interpret a contract, listing, lease agreement, or other real estate document with anyone outside the licensee's firm;
 - 5) negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee; or
 - 6) perform any other activity for which a licensee under the Act is required.
 - d) Any licensee who employs an unlicensed assistant shall be responsible for the actions of the unlicensed assistant taken while under the supervision of or at the direction of the licensee.
 - e) Any licensee who is responsible for the actions of an unlicensed assistant by statute, regulation, contract, or office policy and who permits, aids, assists, or allows an unlicensed assistant to perform any activity for which a licensee under the Act is required shall be in violation of the Act.

(Source: Added at 20 Ill. Reg. 6492, effective April 30, 1996)

Section 1450.100 Discrimination EMERGENCY

- a) Pursuant to Section 18(h)(22) of the Act, no licensee shall enter into a listing agreement which prohibits the sale or rental of real estate to any person because of race, color, creed, religion, national origin, sex, handicap, or familial status.
- b) No licensee shall act or undertake to act as a real estate broker or

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real estate salesperson with respect to any property the disposition of which is prohibited to any person because of race, color, creed, religion, national origin, sex, handicap, or familial status.

- c) A judgment or conviction in any court of competent jurisdiction that any licensee or applicant for licensure has violated any constitutional or statutory provision prohibiting discrimination in housing shall be deemed a demonstration of "unworthiness or incompetency to act as a real estate broker or salesperson in such manner as to endanger the interest of the public" and is subject to discipline pursuant to Section 18(h)(12) of the Act.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.110 Unworthiness or Incompetence to Act as a Broker or Salesperson
EMERGENCY

Unworthiness or incompetence on the part of a licensee as set forth in Section 18(e)(1) of the Act may consist of both acts and omissions to act. Omissions to act and a failure to safeguard the interests of the public in the buying or selling, the negotiation of sales or exchange of real estate, the leasing or renting of real estate wherein the premises are known by the licensee to be in serious violation of ordinances made for the protection of the public in regard to fire, health, sanitation and zoning shall be deemed "unworthiness or incompetence."

(Source: Amended at 12 Ill. Reg. 8036, effective April 26, 1988)

Section 1450.120 Hearings
EMERGENCY

All disciplinary hearings brought before the Board under Section 18 of the Act shall be conducted in accordance with the Rules of Practice in Administrative Hearings, 68 Ill. Adm. Code 110.

(Source: Amended at 9 Ill. Reg. 341, effective January 3, 1985)

Section 1450.140 Assumed Name
EMERGENCY

If a real estate broker operates under any name other than that appearing on his license, he shall submit a certified copy of his registration under "an Act in relation to the use of an assumed name in the conduct or transaction of business in this State." (805 ILCS 405) at the time of application or within 30 days of such registration.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

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Section 1450.150 Reciprocal Licensure
EMERGENCY

- a) A license shall be issued without examination to a real estate broker licensed under the laws of his home state or to a real estate salesperson licensed under the laws of his home state under the following conditions:

- 1) that the broker or salesperson is the holder of an active license in his home state;
 - 2) that the standards of that state for licensing as a real estate broker or salesperson are substantially equivalent to the minimum standards in Illinois;
 - 3) that the broker maintains a definite place of business in his home state and has been actively engaged in the real estate business as a broker during the immediately preceding 2 years;
 - 4) that the broker's or salesperson's home state grants reciprocal privilege to brokers and salespersons licensed in Illinois; and
 - 5) if he is a salesperson holding an Illinois reciprocal license, that he is employed by or under contract to a broker who also holds an Illinois license and resides in the same state.
- b) The broker or salesperson shall file an application, on forms furnished by the Office of Banks and Real Estate, along with the required fee specified in Section 15 of the Act and a statement bearing the seal of the licensing authority in the state in which he is licensed, showing that he has an active license as a broker or salesperson in that state.
- c) Upon request by the Office of Banks and Real Estate, the broker or salesperson shall attest in writing, on forms supplied by the Office of Banks and Real Estate, to the fact that his license in his home state is active and in good standing and that he understands that his reciprocal license is valid only as long as he remains a resident of that state and will be invalid on the date his home state license is expired, is suspended, is inactive or otherwise not in good standing.
- d) A reciprocal license becomes invalid when the licensee changes his residence to Illinois or any other state. Such individual shall meet the licensure requirements of the Act and this part in effect at the time of his application for relicensure in Illinois and shall obtain a license in accordance with Section 12 or Section 14 of the Act prior to practicing in this State.
- e) All requirements for licensure by reciprocity shall be met within 1 year of the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be considered for licensure, such applicant shall file a new application and fee.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.170 Rental Finding Services
EMERGENCY

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a) Definition--Application.

1) A rental finding service is any business which finds, attempts to find, or offers to find, for any person who pays or is obligated to pay a fee or other valuable consideration, a unit of rental real estate or a lessee to occupy a unit of rental real estate, not owned or leased by such business.

2) Any person, partnership, or corporation which operates a rental finding service shall be considered a broker or salesperson as defined in the Real Estate License Act, shall obtain a license pursuant to the Act, and shall comply with the provisions of this Section.

3) The provisions of this Section shall not apply to:

- A) Newspapers as defined in Section 4(14) of the Act.
- B) Listing contracts between owners or lessors of real estate and licensees.

b) Contract. A rental finding service shall, prior to accepting a fee or other valuable consideration for such services, enter into a written contract with the person for whom such services are to be performed and deliver to such individual a copy of such contract. Such contract shall include in the case of a rental finding service which finds, offers, or attempts to find a unit of rental real estate for an individual, at a minimum, the following provisions:

1) The term of the contract;

2) The total amount to be paid for the services to be performed and a clear designation of the amount paid in advance of the performance of such services;

3) A statement regarding the refund or nonrefund of the fee paid in advance, which shall include:

A) the precise conditions, if any, upon which a refund is based;

B) the fact that such conditions shall occur within 90 days from the date of the contract;

C) the fact that the refund shall be paid no later than 10 days after demand, provided the check has been honored.

4) The statements required by subsection (3) above shall be uniform in type of a size larger than that used for the balance of the contract;

5) The type of rental unit desired, the geographical area requested, and the rent the prospective tenant is willing to pay;

6) A detailed statement of rental finding services to be performed by the licensee, which services shall include, at a minimum, the delivery to such prospective tenant of all rental information as listed in subsection (c), below;

7) A statement that such contract shall be null and void if information concerning possible rental units or locations furnished by the licensee is not current or accurate with respect to the type of rental unit desired and described in subsection (b)(5) above. A listing for a rental unit which has not been

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available for rent for over two days shall be prima facie proof of not being current;

8) A statement that information furnished by the licensee concerning possible rental units may be up to 2 days old;

9) A statement requiring the licensee to refund all fees paid in connection with the contract if such contract is null and void for any reason. The licensee shall not impose any condition for such refund and the contract shall state when the refund will be paid.

c) Disclosure. Pursuant to subsection (b)(6) above, the following written information for each rental unit shall be provided to the person with whom such contract is entered into:

- 1) The name, address, and the telephone number of the owner of each rental unit, or his authorized agent;
- 2) A description of the rental unit;
- 3) The amount of rent requested;
- 4) The amount of security deposit required;
- 5) A statement describing utilities which are located in the rental unit and included in the rent;
- 6) The occupancy date and the term of lease;
- 7) A statement setting forth the source of the rental information (i.e., owner, agent);
- 8) All other information which may reasonably be expected to be of concern to the prospective tenant.

d) Permission of Owner. A rental finding service shall not list or advertise any rental unit without the express written authority of the owner or agent of each unit.

e) Violation. Without limiting the provisions of the Act or this Part, a licensee shall be deemed to have demonstrated unworthiness or incompetence as a broker under Sections 18 and 20 of the Act when such registrant shall have violated any provision of this Section, including, but not limited to, failing to refund, pursuant to proper demand, any rental finding fee to any person lawfully entitled to such refund.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991.)

Section 1450.1/75 Continuing Education EMERGENCY

a) Continuing Education Hour Requirements

- 1) Pursuant to Article 3 of the Act, beginning with the March 31, 1993, renewal of licensure for salespersons and the January 31, 1994, renewal of licensure for brokers, and every renewal thereafter, each licensee who is required to comply with continuing education (CE) shall complete during each prerenewal period a minimum of 12 hours of CE that is relevant to the practice of real estate as set forth in subsection (b)(3) below

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and is approved by the Real Estate Education Advisory Council ("Advisory Council").

2) For salespersons, a pre-renewal period is the 24 months preceding March 31 of the year of the renewal. For brokers, a pre-renewal period is the 24 months preceding January 31 of the year of the renewal.

3) Pursuant to Section 37.1 of the Act, CE requirements apply only to those licensees who obtained initial licensure in Illinois on or after January 1, 1977. Individuals licensed in Illinois prior to January 1, 1977, either as salespersons or brokers, are exempt from the CE requirements. Continuous licensure is not required to be eligible for this exemption. However, if a licensee has been non-renewed for a period of 5 years or more, the date of initial licensure, for purposes of this Section, shall be the date of licensure after that non-renewed period.

4) A renewal applicant is not required to comply with the CE requirements for the first renewal following the original issuance of either the salesperson or broker license.

5) Salespersons and brokers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 37.1 of the Act or subsections (a)(3) and (4) above.

6) The Office of Banks and Real Estate shall conduct random audits to verify compliance with this Section.

b) Approved Continuing Education

1) CE credit may be earned for verified attendance at or participation in a course which is offered by an approved CE sponsor who meets the requirements set forth in subsection (c) below.

2) CE credit may also be earned for completion of a self-study course that is offered by an approved sponsor who meets the requirements set forth in subsection (c) below.

3) Pursuant to Section 37.4 of the Act, the CE requirement shall be satisfied by successful completion of the following:

- A) Mandatory category. A minimum of 6 hours of CE in any one or more of the following mandatory courses:
 - i) License law and escrow;
 - ii) Anti-trust;
 - iii) Fair housing; and
 - iv) Agency.
- B) Elective category. A maximum of 6 hours of CE in the following elective courses:
 - i) Appraisal;
 - ii) Property management;
 - iii) Residential brokerage;
 - iv) Farm property management;
 - v) Rights and duties of sellers, buyers and brokers;
 - vi) Commercial brokerage and leasing;

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vii) Financing; and

viii) Other CE courses approved by the Advisory Council (e.g., real estate tax laws).

4) Pursuant to Section 37.3(b) of the Act, one hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination as set forth in subsection (b)(6) below.

5) Each CE course shall include one or more subjects from the mandatory category or elective category set forth in subsection (b)(3)(A) or (b)(3)(B), where the individual is in actual attendance, or participates in, or completes self-study. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the mandatory or elective category. In no case shall topics from the mandatory and elective category be intermingled within the same three-hour period. The sponsor shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the mandatory or elective category.

6) Each CE course shall include the successful completion of an examination which measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.

A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination may be given either at the end of each individual course or it may be given at the end of the sequence of courses so long as the examination covers all aspects of the course material.

B) All examinations, including self-study examinations and retake examinations, shall be proctored by a representative of the approved sponsor and shall include at least 25 questions for each three-hour increment of CE earned. No course material, notes, or other aides shall be referred to during the examination by the student with the exception of amortization tables, tax tables and calculators.

C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The sponsor shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for that CE course unless the entire course is retaken and the examination is successfully completed.

7) Self-study CE shall comply with all of the requirements of this Section, except that:

A) Verified attendance is only required for taking the examination.

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- B) Classroom instruction is not required for self-study CE, as the intent is for the licensees to review and learn the material on their own.
- C) Acceptable self-study materials include, but are not limited to, reading material and audio/video cassettes.
- D) The examination site for self-study CE shall be determined by the sponsor, and it shall be proctored by a representative of the approved sponsor. An approved instructor is not required to proctor the examination.
- 8) All CE courses shall:
- Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of real estate;
 - Provide experiences (e.g., role playing, lectures, films) which contain subject matter and course materials relevant to that set forth in Section 37.4 of the Act; and
 - Be developed and presented by persons with education and/or experience in the subject matter of the CE course.
- 9) Nothing shall prohibit an approved sponsor and its instructors from utilizing audio-visual aides or satellite communications with two-way voice interaction in assisting in the presentation of CE courses.
- 10) Pursuant to Section 37.4, a maximum of 6 hours of CE credit per prelicense period may be earned by an approved instructor for teaching an approved CE course or pre-license course. One hour of teaching is equal to one hour of CE.
- 11) As provided for in Section 37 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a \$25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Advisory Council shall review and recommend approval or disapproval of the CE course provided the sponsor and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a closed book, proctored examination. In determining whether the sponsor and CE course are substantially equivalent, the Advisory Council shall use the criteria in Article III of the Act and this Section.
- 12) CE credit shall not be given for CE courses taken in Illinois from sponsors not pre-approved by the Office of Banks and Real Estate.
- C) Continuing Education Sponsors and Courses
- Sponsor, as used in this Section, shall mean a person, firm, association, corporation, real estate school approved under Article I of the Act, or any other group which has been approved and authorized by the Office of Banks and Real Estate upon the recommendation of the Advisory Council to coordinate and present

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- 2) Those entities seeking approval as CE sponsors shall maintain an office for maintenance of all records, office equipment and office space necessary for customer service.
- The CE sponsor's office may be subject to inspection by authorized representatives of the Office of Banks and Real Estate during regular working hours when the Office of Banks and Real Estate has reason to believe that there is not full compliance with the Act or this part and that this inspection is necessary to ensure full compliance.
 - The Office of Banks and Real Estate shall, upon an on-site inspection of an out-of-state sponsor, be reimbursed by the sponsor for all expenses incurred by the inspector in the course of the inspection.
- 3) Entities seeking approval as CE sponsors shall file a sponsor application, on forms provided by the Office of Banks and Real Estate, along with the required fee set forth in Section 37.5 of the Act. The application shall include the following:
- A list of all CE courses that the sponsor is planning to offer during the 12 month period following approval;
 - The description, location, date and time of each CE course to be offered;
 - A list of all instructors the sponsor plans to utilize in the offering of CE courses. Such list shall include the instructor's name, address, and approval number;
 - A copy of a certificate of attendance planned to be used which meets the requirements set forth in Section 37.5 of the Act;
 - As provided in Section 37.5(m) of the Act, an approved sponsor shall not be precluded from offering CE courses or from utilizing instructors not listed in the initial application or subsequent annual renewals if written notice of the CE course and the instructor to be utilized is submitted 30 days prior to the CE course date pursuant to subsection (c)(3)(F)(v) below;
- F) The sponsor's certification
- That the content area of all CE courses offered by the sponsor or CE credit will conform to those listed in Section 37.4(a) and (b) of the Act and that CE sponsors shall not offer for approved credit any of the courses set forth in Section 37.9 of the Act;
 - That all CE courses offered by the sponsor for CE credit will comply with the criteria in this Section;
 - That the sponsor shall be responsible for verifying attendance at each CE course and provide a certificate of completion signed by the sponsor which meets the requirements of Section 37.5 of the Act. The sponsor shall maintain these records for not less than 5 years

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and shall make these records available for inspection by the licensee or the Office of Banks and Real Estate or its designee during regular business hours;

- iv) That upon request by the Office of Banks and Real Estate, the sponsor will submit such evidence as is necessary to establish compliance with this Section and Section 37.5 of the Act. Such evidence shall be required when the Office of Banks and Real Estate has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;
- v) That each sponsor shall submit to the Office of Banks and Real Estate in written notice of a CE course 30 days prior to the CE course date if such program was not listed in the application or any subsequent renewal application. The notice shall include the description, location date and time of the CE course to be offered;
- vi) That the sponsors shall only offer CE in an environment which is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety, and welfare of the attendee(s). This does not apply to self-study CE courses; and
- vii) That financial resources are available to equip and maintain its office in a manner necessary to enable the sponsor to comply with Article III of the Act, this Section and this Part, documented by a current balance sheet, an income statement or any such similar evidence as requested by the Office of Banks and Real Estate.
- 4) Real estate schools approved to offer the courses required by Article I of the Act shall be deemed to offer CE programs upon completion of an application for approval and the submission of the \$2,000 fee required by Section 37.5 of the Act. Any college or university exempt from paying a fee for school approval under Article I of the Act is also exempt from paying the fee to become an approved continuing education sponsor under Article III of the Act.
- 5) Within 30 days after the action by the Advisory Council, the Office of Banks and Real Estate shall issue approval to the sponsor or notify such sponsor, in writing, why approval cannot be issued.
- 6) Approved CE sponsors shall comply with the following:
 - A) No approved sponsor shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit new affiliates for any company. Sponsors and instructors shall report to the Office of Banks and Real Estate any efforts to recruit licensees.

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- B) No approved sponsor shall advertise that it is endorsed, recommended, or accredited by the Office of Banks and Real Estate. Such sponsor, however, may indicate that the sponsor and the CE course have been approved by the Office of Banks and Real Estate.
- C) Approved sponsors shall utilize in the teaching of approved CE courses only instructors who have been approved by the Office of Banks and Real Estate.
- D) Approved sponsors shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, approved sponsors shall specify the number of mandatory and elective CE course hours that may be earned as set forth in subsections (b)(3)(A) and (b)(3)(B) above.
- E) All CE courses given by approved sponsors shall be open to all licensees and not be limited to members of a single organization or group.
- 7) The sponsor shall be responsible for assuring verified attendance at each CE course or self-study examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved in accordance with Section 37.5 of the Act.
- 8) To maintain approved sponsor status, each sponsor shall submit annually during the 30 days preceding April 1 a sponsor renewal application along with the required fee set forth in Section 37.5 of the Act. The sponsor shall be required to submit to the Office of Banks and Real Estate with the renewal application the following:
 - A) A list of those CE courses planned to be offered in the 12-month period immediately following the renewal period. This list shall include a description, location, date and time the course is planned to be offered.
 - B) A list of those instructors the sponsor plans to utilize. This list shall include the name, address, and instructor approval number for each.
- 9) Each approved CE sponsor shall submit to the Office of Banks and Real Estate on or before the 15th of each month a graduation report of those licensees passing approved CE courses under its sponsorship during the preceding calendar month.
 - A) The monthly graduation reports shall include the following information for each licensee:
 - i) the licensee's name, address, social security number, and license number;
 - ii) the CE course sponsor's name and license number; and
 - iii) the CE course name, course identification number, course category (mandatory or elective), credit hours, and the date and time classes were held.
 - B) If no courses were given by a CE sponsor during the

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preceding calendar month, that CE sponsor shall report in writing that no courses were given.

C) The monthly graduation reports shall be submitted on computer or paper media in a format specified by the Office of Banks and Real Estate.

D) There is no processing fee for a monthly graduation report submitted on computer media specified by the Office of Banks and Real Estate or for a written report submitted pursuant to subsection (c)(9)(B) of this Section. Each monthly graduation report submitted on paper or in a format other than that specified by the Office of Banks and Real Estate shall be accompanied by a processing fee of \$.50 per licensee, per course, listed on the report, payable by check to the Office of Banks and Real Estate.

E) A monthly graduation report received by the Office of Banks and Real Estate with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative fee of \$200 in addition to the fees set forth above.

F) If a sponsor of CE courses fails to file monthly graduation reports, or fails to pay required fees, if any, as set forth in subsections (c)(9)(D) and (E) of this Section for three successive months, then the courses offered by that sponsor may be disqualified pursuant to procedures set forth in Section 37.5(k) of the Act until such time as all delinquent graduation reports, processing fees, and administrative fees as set forth in subsections (c)(9)(D) and (E) of this Section have been submitted to and are received by the Office of Banks and Real Estate. The Office of Banks and Real Estate shall send notice to the sponsor of hearing before the Educational Advisory Council and of pending disqualification pursuant to Section 37.5(k) by certified mail, return receipt requested.

d) Continuing Education Instructors

1) An applicant seeking approval from the Office of Banks and Real Estate to become an approved CE instructor shall submit a completed application, on forms provided by the Office of Banks and Real Estate, along with the fee as provided for in Section 37.5 of the Act.

2) An individual applying to become an approved CE instructor shall meet the following criteria, as provided for in Section 37.5(1) of the Act:

- A) Has held a real estate brokers license for at least the last three years and has been engaged in active practice as a real estate broker; or
- B) Is currently admitted to practice law and for three years has been engaged in real estate related work as part of his/her active practice of law or has taught pre-licensure

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real estate courses; or

C) Is a properly credentialed instructor of real estate courses who is or has been engaged in the practice of teaching for at least three years; or as evidenced by a professional designation, such as but not limited to a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or

D) Is properly licensed or certified to engage in the business of appraisal, finance and/or related real estate occupations (not including real estate salespersons) and for at least three years has been engaged in such practice; or

E) Is qualified by experience or education, or both, to teach CE pursuant to the provisions of this Section. In determining whether a person is qualified to teach CE under this Section, the Director of Real Estate shall consider the following:

- i) The individual's teaching experience;
- ii) The individual's real estate experience;
- iii) Any real estate, business or legal education of the individual; and
- iv) The results of a personal interview with the individual. The personal interview may be conducted via telephone if it would be overly burdensome and unreasonable for the applicant to personally appear for the interview (e.g., applicant living out-of-state).

Any applicant who the Director has determined does not meet the requirements of this subsection (d)(2)(E) shall be evaluated by the Advisory Council. The Advisory Council shall evaluate the application and make a recommendation to the Commissioner for approval or disapproval of the applicant as a CE instructor. The Office of Banks and Real Estate shall issue approval to the applicant or notify the applicant in writing why approval cannot be issued.

3) Instructors approved to teach salesperson and broker pre-licensure courses, pursuant to Section 1450.280 of this Part, are deemed approved as CE instructors as long as they maintain their approval under Section 1450.280 of this Part, submit an application to the Office of Banks and Real Estate for approval and pay the fee as provided for in Section 37.5 of the Act.

4) Within 30 days after receipt of an application, the Office of Banks and Real Estate shall issue approval to the applicant or notify such applicant in writing why approval cannot be issued.

5) To maintain approved status, CE instructors shall submit annually during the 30 days preceding April 1 an instructor renewal application, on forms provided by the Office of Banks and Real Estate, along with the fee as provided for in Section 37.5 of the

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Act.
e) Withdrawal of Approval

1) Upon written recommendation of the Advisory Council, the Office of Banks and Real Estate shall withdraw, suspend or place on probation the approval of an approved CE sponsor or an approved CE instructor when, at any time, the quality of the CE fails to meet the established criteria as set forth in this Section and Article III of the Act or if sponsorship or instructor approval was based upon false or deceptive information or if any other related license of the sponsor or instructor is suspended, revoked or otherwise disciplined.

2) If the Office of Banks and Real Estate or Advisory Council has reason to believe there has been fraud, dishonesty, or lack of integrity in the furnishing of any documentation for the evaluation of a sponsor or instructor, it shall refer such matter to the appropriate personnel for investigation and any disciplinary action which might be appropriate under the Act in accordance with 68 Ill. Adm. Code 111.0.

f) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections

(a) and (b) above

2) The Office of Banks and Real Estate may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). Such evidence shall be required in the context of the Office of Banks and Real Estate's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.

3) In the context of an audit, the Office of Banks and Real Estate shall accept verification (e.g., original transcript, certificate) submitted directly from the sponsor on behalf of the renewal applicant as proof of CE completed.

4) When during an audit or compliance review, the Office of Banks and Real Estate determines that a licensee may be deficient in complying with CE requirements, the Office of Banks and Real Estate will notify the licensee, and the managing broker or firm of the licensee, by certified mail, return receipt requested, of such possible deficiency. The licensee shall have 60 days from the date such deficiency notification is received to submit to the Office of Banks and Real Estate evidence of compliance with CE requirements.

A) If satisfactory evidence of compliance with CE requirement (as set forth in subsections (f)(2) and (3) of this Section) is submitted, the Office of Banks and Real Estate shall notify the licensee, and the managing broker or firm of the licensee, by first class mail, that the licensee is in compliance with CE requirements.

B) If the licensee has certified compliance with CE

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requirements on the licensee's most recent renewal application pursuant to subsection (f)(1) of this Section but cannot submit evidence of having been in compliance on the date the licensee made such certification, the licensee may during the 60 days notice period submit evidence of having attained compliance with CE requirements after the date such certification was made. The submission of evidence of completion must be accompanied by a non-refundable administrative fee of \$75 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee is not accompanying the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed.

If the evidence is found to be satisfactory, the Office of Banks and Real Estate shall notify the licensee and the managing broker or firm of the licensee that the licensee is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, such failure shall be evidence of a violation of Section 18(a) of the Act regarding false or fraudulent representation to obtain a license and the continuing education requirements of Article 3 of the Act. The Office of Banks and Real Estate shall send notice pursuant to Section 20 of the Act regarding disciplinary proceedings and begin the disciplinary process. A copy of this notice shall be sent to the managing broker or firm of the licensee.

g) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Office of Banks and Real Estate a renewal application along with a \$25 waiver processing fee and the renewal fee as provided by Section 15 of the Act.

2) Pursuant to Section 37.8(c) of the Act, to be granted an interview before the Advisory Council with respect to a request for waiver, the interview must be requested at the time the request for such waiver is filed with the Office of Banks and Real Estate. The renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

3) CE requirements shall automatically be waived for those person listed as exempt pursuant to Section 37.1 of the Act and subsections (a)(3) and (a)(4) of this Section.

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(Source: Amended at 21 Ill. Reg. 3602, effective March 7, 1997)

Section 1450.180 Renewals**EMERGENCY**

- a) Every salesperson's license issued under the Act shall expire on March 31 of each odd numbered year. The holder of a salespersons' license may renew such license during the month preceding the expiration date thereof by paying the required fee as provided by Section 15 of the Act, unless otherwise provided for in subsections (c) and (d) below.
- b) Every broker's license issued under the Act shall expire on January 31 of each even numbered year. The holder of a brokers' license may renew such license during the month preceding the expiration date thereof by paying the required fee as provided by Section 15 of the Act, unless otherwise provided for in subsections (c) and (d) below, and shall submit a properly completed consent to audit and examine special accounts form.
- c) Every license issued to a partnership, corporation or branch office under the Act shall expire on October 31 of each even numbered year. The holder of such license may renew that license during the month preceding the expiration date thereof by paying the required fee as provided by Section 15 of the Act and by submitting the following:
 - 1) A properly completed consent to audit and examine special accounts form; and
 - 2) A properly completed corporation/partnership information form, except for branch office.
- d) It is the responsibility of each licensee to notify the Office of Banks and Real Estate of any change of address. Failure to receive a renewal form from the Office of Banks and Real Estate shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- e) Practicing or offering to practice on an expired or inoperative license shall constitute unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 18 of the Act.
- f) Any licensee referenced in subsections (a) and (b) above, whose license under this Act has expired is eligible to renew such license without paying any lapsed renewal fees or reinstatement fee provided that such license expired while the licensee was:
 - 1) on active duty with the United States Army, United States Navy, United States Marine Corps, United States Air Force, United States Coast Guard, the State Militia called into the service or training of the United States, or
 - 2) engaged in training or education under the supervision of the United States prior to induction into military service, or
 - 3) serving as the Director of Real Estate in the State of Illinois, or as an employee of the Office of Banks and Real Estate (Section 13.1 of the Act).
 - 4) Licensees renewing their license in accordance with this

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subsection may renew such license within a period of two years following the termination of such service and are not required to take a refresher course or a retest.

- g) In accordance with Section 13.2 of the Act, any individual whose license under this Act has expired for more than 5 years shall not be eligible for renewal of such license.

- 1) Any licensee whose license has been expired for less than 3 years may renew such license at any time by complying with the requirements of this Section and by paying the fees required by Section 15 of the Act.
- 2) A licensee whose license has been expired for more than 3 years but less than 5 years may renew such license only after providing the Office of Banks and Real Estate with evidence that the licensee has satisfactorily completed at least 15 hours of refresher courses at a program approved in accordance with Section 1450.210 and by otherwise complying with the requirements of this Section. The refresher course shall be completed within one year prior to renewal.
- h) All renewals shall include the name and license number of the sponsoring broker.
 - i) In accordance with Section 13 of the Act, within 60 days after the conclusion of the broker and salesperson renewal period, the Office of Banks and Real Estate shall prepare and mail to each licensed real estate broker a listing of licensees who, according to the records of the Office of Banks and Real Estate, are sponsored by that broker.
 - 1) This list shall be mailed to the last known address of the broker.
 - 2) The broker shall respond to the Office of Banks and Real Estate within 30 days after the receipt of this listing by either:
 - A) Submitting to the Office of Banks and Real Estate a statement verifying the accuracy of such list; or
 - B) Notifying the Office of Banks and Real Estate in writing of any discrepancies in the list.
 - 3) Failure by a broker to respond to the Office of Banks and Real Estate as set forth in subsection (b)(2)(B) above shall serve as automatic verification by the broker that the information contained on the list is correct.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.185 Granting Variances**EMERGENCY**

- a) The Commissioner of Banks and Real Estate may grant variances from these rules in individual cases where he finds that:
 - 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and

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- 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome,
- b) The Commissioner shall notify the Board of his intention to grant a variance, and the reasons therefor, at a meeting of the Board, prior to his granting said variance.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.190 Procedure to Contest An Automatic Termination EMERGENCY

Procedure to Contest an Automatic Termination. A licensee who desires to contest an automatic termination for payment out of the Real Estate Recovery Fund pursuant to Section 25(e) of the Act, must submit a motion, in writing, specifying the particular grounds relied upon. This motion must be filed within twenty (20) days of receipt of the notice of termination. Oral argument shall be granted in those instances in which the Commissioner of Banks and Real Estate deems it necessary to clarify relevant issues. The Commissioner shall notify the licensee of his ruling on the motion within 45 days of its receipt. If a motion is filed, denial of the motion constitutes final administrative action for purposes of judicial review.

(Source: Added at 9 Ill. Reg. 341, effective January 3, 1985)

Section 1450.195 Penalties for Criminal Acts EMERGENCY

The criminal acts referred to in the Real Estate License Act of 1983, Section 22, as misdemeanors bear the following penalties:

	Class C	Class A
	(1st Offense)	(2nd Offense)
Fine not to exceed:	\$500	\$1000
Imprisonment not to exceed:	30 days	1 year
	Individuals	Corporations
		Business Offense
Fine not to Exceed:	(1st Offense)	(2nd Offense)
	\$2000	\$5000

(Source: Added at 9 Ill. Reg. 341, effective January 3, 1985)

Section 1450.200 Real Estate Recovery Fund EMERGENCY

- a) Necessity of Notice
When any person commences, in the civil courts, an action for a

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Judgement which may result in collection from the Real Estate Recovery Fund, that person shall notify the Office of Banks and Real Estate in writing at the time of commencement of the action.

- b) Time of Notice
"Time of the commencement of the action" shall be construed to mean that notice must be dispatched to the Office of Banks and Real Estate not later than 7 days after the action is commenced in accordance with Section 2-201 of the Civil Practice Law [735 ILCS 5/2-201].
- c) Place and Manner of Notice
Notice required by Section 25 of the Real Estate License Act of 1983 [735 ILCS 5/2-201] or by this Section shall be sent by certified mail, return receipt requested, or shall be delivered by hand, to the Director of Real Estate at the principal office of the Office of Banks and Real Estate in Springfield, Illinois.
- d) Contents of Notice
Every notice required by Section 25 of the Real Estate License Act of 1983 or by this Section shall include:

- 1) a copy of the complaint which may lead to collection from the fund, showing the "filed" stamp of the Clerk of the Court in which the complaint was filed;
 - 2) copies of evidence of title to real property on which the claim is based, or if claimant does not possess title, evidence of the interest in real property on which the claim is based (evidence includes such documents as title policy, deed, or lease); and
 - 3) an itemized statement of losses of actual cash money which the claimant alleges occurred as a result of conduct identified in Section 23 of the Real Estate License Act of 1983 by a broker, associate broker, salesperson, or unlicensed employee of a broker. Where no itemized statement is possible, the claimant must state under oath that his losses are estimated and that his calculation of estimated losses is as accurate as circumstances permit him to make.
- e) Necessity of Natural Person as a Defendant
No notice of claim will be recognized or accepted where the underlying complaint does not name at least one natural person, either a broker, associate broker, salesperson, or unlicensed employee of a broker, as a defendant.

(Source: Added at 9 Ill. Reg. 341, effective January 3, 1985)

SUBPART B: SCHOOL RULES

Section 1450.210 Approval of Schools (Repealed) EMERGENCY

(Source: Repealed at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.215 Home Study/Correspondence Programs

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EMERGENCY

Home study/correspondence programs shall be affiliated with an approved school and meet the curriculum requirements set forth in Section 1450.280(c) of this Part.

- a) The program shall:
 - 1) be approved by the Office of Banks and Real Estate in accordance with Section 1450.210;
 - 2) Maintain a brief description of each lesson;
 - 3) Maintain a list of approved instructors who prepare each specific lesson;
 - 4) Maintain a list of titles, authors, publishers, and copyright dates of all instructional materials;
 - 5) Require minimum passing scores for all examinations of no less than 75%;
 - 6) Consist of at least 5 lessons and examinations plus one additional final examination of at least 100 questions.
- b) The program shall develop a written statement of teaching methods to be employed and materials and equipment needed for each course of instruction.
- c) The program shall establish written policies and procedures for grading examinations and lessons, which shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials.
- d) The program shall establish performance objectives for each specific course of study.
- e) The program shall maintain an average passing rate of at least 40% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December.
- f) An approved instructor shall be available during normal business hours to answer student questions.
- g) Students shall be allowed to attend the school's regularly scheduled real estate courses.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.220 Definition of Class Hour and Credit Hour (Repealed)

EMERGENCY

(Source: Repealed at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.230 Educational Requirements of Broker Applicant Who is a Licensed Illinois Real Estate Salesperson (Renumbered)

EMERGENCY

(Source: Section 1450.230 renumbered to Section 1450.11, new Section

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adopted at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.240 Class Attendance Requirements

EMERGENCY

- a) Attendance at all classes is mandatory; however, credit for absences not to exceed 10% of the class hours may be made up by attendance at make-up classes as provided in subsection (b) below. Absences in excess of 10% of class hours shall result in failure of the course.
- b) Each school shall provide time and facilities for conducting make-up classes for students who were absent from the regularly scheduled class period.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.250 Requirements for Minor in Real Estate (Renumbered)

EMERGENCY

(Source: Section 1450.250 renumbered to Section 1450.12, new Section adopted at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.260 Qualification of Applicants Under 21 Years of Age (Repealed)

EMERGENCY

(Source: Repealed at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.270 Educational Requirements for Reinstatement of License (Repealed)

EMERGENCY

(Source: Repealed at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.275 Recruitment at Test Center

EMERGENCY

Recruitment at test facilities where the Illinois Real Estate Licensing Examination is being conducted is not permitted before, during, or after the examination.

(Source: Added at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.280 Approval of Schools

EMERGENCY

- a) In accordance with Section 31 of the Act, a school seeking approval shall submit an application on forms provided by the Office of Banks and Real Estate along with the appropriate fee required in the Act. The Office of Banks and Real Estate shall

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recommendation of the Real Estate Administration and Disciplinary Board approve a school of real estate if it meets the following minimum requirements:

- 1) Approved schools shall include the following:
 - A) Colleges and Universities chartered by their state education authority;
 - B) Private Real Estate Schools whether operated by corporations, community organizations or any other entity to meet the education requirements of applicants for real estate broker or salesperson license under the Act. (Referred to in Section 15(E) of the Act as Private, Business, or Vocational Real Estate Schools); or
 - C) Public Real Estate Schools approved by their state education authority, and supported by public taxes.

2) The program shall:

- A) Be approved by the school's governing and/or supervising body, except in the case of private real estate schools;
- B) Have a faculty all of whom meet the qualifications of subsection (b) below;
- C) Have a curriculum which conforms to the standards of subsection (c) below;
- D) Administer a minimum 100 question final examination as outlined in subsection (c)(6) below.

3) Facilities

- A) A school must provide an office in Illinois or a bordering state for the maintenance of all records, office equipment and office space necessary for customer service.
- B) A school seeking approval of any classroom site shall furnish to the Office of Banks and Real Estate an affidavit setting forth the name of the owner of the premises to be utilized and a copy of the lease.
- C) The premises, equipment and facilities of the school shall comply with all applicable community fire codes, building codes, and health and safety standards.
- D) The school is subject to inspection prior to approval or thereafter by authorized representatives of the Office of Banks and Real Estate during regular business hours.
- E) No school shall be maintained in a private residence.
- F) Whenever an approved school operates a branch or extension location, then an application shall be filed for each branch or extension location. Each application shall be accompanied by the fee as required by Section 15 of the Act.
- G) No approved school shall allow the school premises or classrooms to be used during class time by anyone to directly or indirectly recruit new affiliates for any company. Instructors and school administrators shall promptly report to the Office of Banks and Real Estate any efforts to recruit students.

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4) Administration

- A) Instructors within an adult education, community education or vocational education program at any approved real estate school shall meet the criteria for approval as set forth in subsection (b).
- B) No approved school shall advertise that it is endorsed, recommended, or accredited by the Office of Banks and Real Estate. Such school, however, may indicate that the school and course of study has been approved by the Office of Banks and Real Estate.
- C) Before each approved real estate course is to begin, an approved school shall submit notice to the Office of Banks and Real Estate where the class is to be taught, title of the course, who is to instruct the class, date and time of the class and estimated class enrollment.
- D) The school shall provide the student with information which specifies the course of study to be offered; the tuition to be charged; the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship; any additional fee to be charged for supplies, materials or books which become the property of the student upon payment; and such other matters as are material to the relationship between the school and the student (for example: cost of retaking a course, current status of licensure, any disciplinary action taken by the Office of Banks and Real Estate, attendance requirements).
- E) Each school shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the school for a period of 5 years and shall be available for inspection by the student or by the Office of Banks and Real Estate or its designee during regular business hours.
- F) Total tuition for any course of instruction offered by the school shall be the same for all students at any given time.
- G) An approved real estate school shall upon request give evidence of the financial resources available to equip and maintain the school documented by a current balance sheet, an income statement or any such similar evidence as required by the Office of Banks and Real Estate.
- H) The Office of Banks and Real Estate shall, upon an on-site inspection of an out-of-state school, be reimbursed by the school for all expenses incurred by the inspector in the course of inspection.

- b) Qualifications of Instructors. The approved school shall employ only instructors who have been approved by the Office of Banks and Real Estate and meet the following:
 - 1) Except as provided in subsections (7) and (8) below, pass an

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examination approved by the Office of Banks and Real Estate with a minimum score of 70; and

- 2) Holds a real estate broker's license for at least the last 3 years and has been engaged in active practice as an Illinois real estate broker; or
- 3) Is currently admitted to practice law by the Supreme Court of Illinois and for at least 3 years has been engaged in the active practice of law in Illinois; or
- 4) Is a properly credentialed instructor of real estate courses who is or has been engaged in the practice of teaching for at least 3 years; or as evidenced by a professional designation such as but not limited to, a designated real estate instructor (DREI); or approved by a college or university's governing body to teach in a real estate degree program; or
- 5) Is properly licensed or certificated to engage in the business of appraisal, finance and/or related real estate occupations and who is a member of a nationally recognized association in that field and for at least 3 years has been engaged in such practice; or
- 6) In the judgment of the Director of Real Estate, is qualified by experience or education, or both, to supervise a course of study pursuant to the provisions of this Section. In determining whether a person is qualified to supervise a course of study under this Section, the Director shall consider:
 - A) The individual's teaching experience;
 - B) The individual's real estate experience;
 - C) Any real estate, business or legal education of the individual;
 - D) The results of a personal interview with the individual.
- 7) Those instructors teaching in a college or university real estate degree program are subject to approval by the administrator of that program and are not required to meet the examination requirement.
- 8) Instructors approved on the effective date of this amendment are exempt from taking the examination as long as they maintain an active instructor's certificate and have no break in such active status greater than 5 years.
- 9) A school seeking the approval of the Office of Banks and Real Estate for real estate instructors shall submit an application on forms provided by the Office of Banks and Real Estate and the appropriate fee.
- 10) No approved instructor shall be seated for either the salesperson or broker licensure examination except for the purpose of securing a salesperson or brokers license.

c) Curricula.

- 1) The school shall offer classroom instruction in the following subjects:
 - A) Real Estate Transactions as outlined in subsection (3)(A) below;

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- B) Advanced Real Estate Principles and Contracts and Conveyances as outlined in subsections (3)(B) and (C) below; and
- C) In addition to those listed in subsections (A) and (B) above, at least 3 optional courses as outlined in subsection (3) below shall be offered.

- 2) The application of the school requesting approval shall include an outline of the content of the courses to be offered. Each outline shall make reference to the textbook used and other material related to the course or subject matter, and shall conform to the approved curricula outlines prepared by the Office of Banks and Real Estate.
- 3) Approved courses shall meet the minimum criteria set forth below:
 - A) Real Estate Transactions shall include a minimum of 30 class hours. The course shall include instruction in real estate law, types of interest and ownership in real estate, home ownership, legal descriptions, titles, liens, taxes, encumbrances, listing, advertising, appraisal, finance, closings, and professional code of ethics.
 - B) Advanced Real Estate Principles shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in Illinois real estate law and licensure, listings, title search, forms for closing, contract forms, and the broker-salesperson relationship.
 - C) Contracts and Conveyances shall consist of a minimum of 15 class hours and shall be mandatory for all broker candidates. The course shall include instruction in deeds, fixtures, contracts, real estate closings, foreclosure and redemption, land use controls, landlord/tenant relationship, cooperatives and condominiums.
 - D) Appraisal shall consist of a minimum of 15 class hours. The course shall include instruction in the appraisal process, real property and value, economic trends, depreciation, and value.
 - E) Property Management shall consist of a minimum of 15 class hours. The course shall include instruction in fundamentals of tenant - management relationship, property modernization, property maintenance, leases, insurance, commercial property, industrial property, advertising.
 - F) Financing shall consist of a minimum of 15 class hours. The course shall include instruction in types of financing, sources of financing, mortgages, mortgage documents, closing a mortgage, interest, liens, foreclosure, insurance, mortgage risk, principles of property value for mortgage credit, mortgage analysis, construction loans.
 - G) Sales and Brokerage shall consist of a minimum of 15 class hours. The course shall include instruction in

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qualifications and functions of a real estate broker; land utilization; appraisal principles and methods; office organization; selection, training and supervision of salespersons and office personnel; compensation of salespersons; listings; prospects; real estate markets; financial control; and government regulations.

H) Farm Property Management shall include a minimum of 15 class hours. The course shall include instruction in inventorying assets, determining method of operation, tenants, budgeting, crop and livestock production, marketing, tax planning and depreciation, government programs and regulations, insurance and ethics.

I) Real Property Insurance shall include a minimum of 15 class hours. The course shall include instruction in risk, functions of insurance, insurance contracts, types and purposes of insurance.

J) Refresher Course for License Reinstatement shall include a minimum of 15 class hours. The course shall include instruction in current Illinois real estate law and rules, appraisals, contracts, open housing, transfer of title, leases, landlords/tenant, property management and real estate brokerage. Courses which may be substituted for this are Basic Transactions and Advanced Principles.

4) The Office of Banks and Real Estate shall make available to the public upon request copies of curricula of any of the courses specified above.

5) If additional elective courses are developed, they shall be approved by the Office of Banks and Real Estate prior to implementation. Such courses shall be approved upon determination that the course is at least 15 clock hours in length and constitutes real estate related material.

6) Examinations Each course shall end in a mandatory final examination for which the minimum pass rate shall be no less than 70%.

7) Changes in ownership, management and curriculum occurring subsequent to the approval of a program shall be approved by the Office of Banks and Real Estate prior to implementation in order for approval to continue uninterrupted.

d) The Office of Banks and Real Estate shall notify officials of the school in writing within 15 days of its approval or disapproval. In the event the school is disapproved, the reasons thereof will be detailed and the officials advised that the disapproval may be appealed by notifying the Office of Banks and Real Estate, in writing, within 10 days of the receipt of the disapproval.

(Source: Amended at 15 Ill. Reg. 10416, effective July 1, 1991)

Section 1450.290 Withdrawal of Approval

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EMERGENCY

a) Upon written recommendation of the Real Estate Administration and Disciplinary Board, the Office of Banks and Real Estate shall withdraw, suspend or place on probation the approval of the real estate school when the quality of the program fails to continue to meet the established criteria as set forth in this Section or if approval of the school or program was based upon false or deceptive information.

b) If the Board has reason to believe there has been any fraud, dishonesty, or lack of integrity in the furnishing of any documentation for the evaluation of a school or program, it shall refer such matter to the appropriate personnel for investigation and any disciplinary action which might be appropriate under the Act.

c) An approved real estate school which does not maintain an average passing rate of at least 40% for all students who take the licensure examination for the first time over a 6 month period, either January through June or July through December, shall at the recommendation of the Real Estate Administration and Disciplinary Board, receive a written warning of noncompliance from the Office of Banks and Real Estate. Approval may be suspended, withdrawn or other disciplinary action taken in accordance with 68 Ill. Adm. Code 1110 if the school fails to maintain an average passing rate of at least 40% of all students who take the licensure examination for the first time over the next 6 month period.

d) A probation period shall be further defined as a time during which an approved school cannot receive approval for any course additions or changes.

e) A real estate program whose approval is being reconsidered shall be given at least 30 days written notice prior to any reconsideration by the Board. The officials in charge may either submit written comments or request a hearing before the Board.

f) In the event the real estate license of the administrator of an approved school is suspended or revoked, the school approval shall automatically be rescinded.

(Source: Added at 15 Ill. Reg. 10416, effective July 1, 1991)

SUBPART C: LEASING AGENT RULES

Section 1450.300 Definitions

EMERGENCY

As used in this Subpart:

"Act" means the Real Estate License Act of 1983 [225 ILCS 455] unless the context clearly indicates otherwise.

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"Class hour" means a minimum of 50 minutes of lecture in a program approved by the Commissioner.

"Commissioner" means the Commissioner of Banks and Real Estate.

"Employee" or other derivative of the word "employee", when used to refer to, describe, or delineate the relationship between a real estate broker and a leasing agent licensee, shall be construed to include an independent contractor relationship provided that there exists a written agreement clearly establishing and stating such a relationship.

"Director" means the Director of Real Estate in the Office of Banks and Real Estate.

"Leasing agent" means an individual employed by a real estate broker to engage solely in activities relating to leasing residential real estate for which a license issued by the Office of Banks and Real Estate is required under the Act.

"Real Estate Administration and Disciplinary Board" or "Board" means the Real Estate Administration and Disciplinary Board created by Section 9 of the Act.

"Real Estate Education Advisory Council" or "Council" means the Real Estate Education Advisory Council created by Section 37.2 of the Act.

"Sponsoring broker" means a broker issuing a sponsor card to a licensed leasing agent.

"Sponsor card" means the card issued by a real estate broker certifying that the person named thereon is employed by or associated with the real estate broker as a licensed leasing agent.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.305 General Provisions

EMERGENCY

- a) The purpose of this Subpart C is to provide for the implementation and administration of the provisions of the Real Estate License Act of 1983 creating a limited scope license for residential real estate leasing agents. A leasing agent licensee shall enable a licensee to engage in residential leasing activities for which a license currently is required under the Act. Such activities include leasing or renting residential real property; collecting rent for the use of residential real property; and attempting, offering, or negotiating to

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- b) A licensed leasing agent shall not engage in any licensed activities other than those activities relating to the leasing of residential real property. A licensed leasing agent may not offer or negotiate the sale or exchange of real estate, or engage in any other activities described in Section 4 of the Act not relating to the leasing of residential real estate.

- c) No person other than a duly authorized broker, salesperson, or leasing agent shall engage in, for compensation, residential leasing activities for which a license is required under the Real Estate License Act.

- d) No leasing agent licensee may accept compensation for the performance of leasing agent activities except from the sponsoring broker by whom the licensee is employed.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.310 Examination Requirement

EMERGENCY

- a) An individual wishing to apply for a leasing agent license must first successfully complete an examination administered by the Office of Banks and Real Estate or its designated testing service. Persons wishing to take the examination shall apply to the Office of Banks and Real Estate on forms provided by the Office of Banks and Real Estate or its designated testing service. The application for examination shall include the following:

- 1) proof that the individual is at least 18 years of age;
- 2) certification that the individual has successfully completed a four year course of study in a high school or secondary school or an equivalent course of study approved by the Illinois State Board of Education (e.g., GED); and
- 3) proof that the individual has successfully completed at least 15 class hours of study as set forth in Section 1450.315 of this Subpart.

- b) The examination shall be prepared by the Office of Banks and Real Estate or its designated testing service and shall be sufficient to demonstrate an individual's knowledge of the provisions of the Act relating to leasing agents and an individual's competence to engage in the activities of a licensed leasing agent.

- c) The Office of Banks and Real Estate or its designated testing service shall conduct such examinations at such times and places as the Office of Banks and Real Estate shall approve.

- d) If a person who has received a passing score on the examination fails to file an application and meet all requirements for a leasing agent license within one year after receiving a passing score on such examination, credit for such examination shall terminate. Such person thereafter may make a new application for examination.

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- e) If an individual has failed the examination three times, the individual must repeat the education requirement set forth in Section 1450.315 prior to taking the examination again.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.315 Education Requirement**EMERGENCY**

Prior to applying for a leasing agent license, an individual must successfully complete at least 15 hours of instruction approved by the Office of Banks and Real Estate. Approved courses shall cover the following subject areas:

- a) provisions of the Real Estate License Act of 1983 relating to leasing activities, including instruction in the activities leasing agents are authorized to engage in within the scope of their license and the general requirements and disciplinary provisions of the Real Estate License Act of 1983;
- b) fair housing laws and issues;
- c) advertising and marketing;
- d) leases, applications, and credit reports;
- e) owner-tenant relationships and owner-tenant laws and issues; and
- f) fiduciary responsibilities and handling of funds.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.320 Sponsor Card**EMERGENCY**

- a) Except for a student leasing agent as provided in Section 1450.335 of this Subpart, no leasing agent license applicant may engage in the activities of a licensed leasing agent until a valid sponsor card has been issued to such applicant.

- b) A sponsoring broker shall prepare upon forms provided by the Office of Banks and Real Estate and deliver to each leasing agent employed by the broker a sponsor card certifying that the person whose name appears thereon is in fact employed by that broker, and that the applicant has not practiced as a student leasing agent for more than 120 days.

- c) A sponsor card properly issued pursuant to this Section shall serve as a temporary permit allowing the sponsored individual to engage in practice as a leasing agent until the applicant is issued a leasing agent license. An applicant may practice under a sponsor card temporary permit for a maximum of 45 days.

- d) A licensed real estate broker may issue a sponsor card to an individual only in the following circumstances:

- 1) upon presentation of a leasing agent examination pass score report which states that the broker may issue a sponsor card; or
- 2) upon presentation of an original leasing agent license endorsed

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- e) by the broker by whom the leasing agent was previously employed. The issuing broker shall, within 24 hours after issuance of the sponsor card, submit the following to the Office of Banks and Real Estate by certified or registered mail, return receipt requested.

- 1) For applicants for an initial leasing agent license:

- A) a copy of the sponsor card;
- B) a leasing agent examination pass score report which states that the broker may issue a sponsor card;
- C) a leasing agent license application that is signed by the applicant and on which all questions have been answered; and
- D) the license application fee required by Section 1450.350.

- 2) For persons already holding a leasing agent license:

- A) a copy of the sponsor card; and
- B) the properly endorsed leasing agent license and pocket card of the sponsored licensee.

- f) A broker issuing a sponsor card shall retain a copy of the sponsor card until such time as the leasing agent license is received and properly displayed in the broker's office.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.325 Issuance of License**EMERGENCY**

- a) The Office of Banks and Real Estate shall, within 30 days after receipt of the copy of the sponsor card and other documentation submitted by the issuing broker, issue a leasing agent license and a pocket card to the sponsored licensee or notify the applicant why such license cannot be issued.

- b) A leasing agent license shall be conspicuously displayed in the sponsoring broker's office. Each licensee shall carry on the licensee's person the licensee's pocket card or, if a pocket card has not yet been issued, a properly issued sponsor card, when engaging in any licensed activity. The licensee shall display such pocket card or sponsor card upon demand.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.330 Termination of Employment of Licensee**EMERGENCY**

- a) Upon termination of employment of a leasing agent licensee, the sponsoring broker shall immediately:

- 1) endorse the leasing agent's license as provided on that document;
- 2) submit a photocopy of the endorsed license to the Office of Banks and Real Estate within 24 hours after termination by certified mail, return receipt requested;
- 3) retain a copy of the endorsed license at least until the

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- expiration date printed on that license; and
- 4) give the original endorsed license to the licensee.
 - b) Once a license is endorsed, the leasing agent licensee is prohibited from practicing until such time as the licensee is again issued a properly completed sponsor card.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.335 Student Leasing Agent

EMERGENCY

- a) The purpose of this Section is to allow for a person to temporarily perform leasing agent activities concurrently with taking the courses and meeting the other requirements of the Act and this Subpart to obtain a leasing agent license. A person shall not practice as a student leasing agent more than once in any 24 month period. A person who has been a leasing agent licensee within the past 24 month period shall not practice as a student leasing agent.
- b) Notwithstanding other provisions of this Subpart, a person may engage in residential leasing activities for which a license is required, for a period of 120 consecutive days without being licensed, by following the provisions of this Section.
- c) A person engaging in practice under the provisions of this Section shall be designated a "student leasing agent". A person shall not practice as a student leasing agent without following all the provisions of this Section. A student leasing agent shall comply with all provisions of the Act and this Subpart as if the student leasing agent were a licensee, and shall be subject to standards of practice and disciplinary provisions as if the student leasing agent were a licensee. A broker supervising a student leasing agent shall be responsible for the activities and actions of a student leasing agent as if the student leasing agent were a leasing agent licensee.
- d) Within 24 hours after employing a student leasing agent, a broker shall submit the following information to the Office of Banks and Real Estate on forms provided by the Office of Banks and Real Estate:
 - 1) the name, address and such other information as is requested by the Office of Banks and Real Estate to identify the student leasing agent;
 - 2) certification by the student leasing agent that the applicant has not been a leasing agent licensee within the past two years and that the applicant has not been a student leasing agent within the past two years;
 - 3) certification that the student leasing agent is at least 18 years of age;
 - 4) certification that the student leasing agent has successfully completed a four year course of study in a high school or secondary school or an equivalent course of study approved by the Illinois State Board of Education (e.g., CEO); and

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- 5) certification that the student leasing agent is at the time of application, or will be within a period of 90 days, enrolled in a leasing agent course of instruction approved by the Office of Banks and Real Estate.
- e) Upon expiration of the 120 day student leasing agent period, the student leasing agent shall immediately cease engaging in leasing agent activities unless the person has been issued a regular leasing agent sponsor card or a leasing agent license.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.340 Renewal of License

EMERGENCY

- a) Every leasing agent license issued under the Act shall expire on July 31 of each even-numbered year. The holder of such license may renew such license during the 60 day period ending on the expiration date thereof by completing and submitting a renewal application, on forms provided by the Office of Banks and Real Estate, complying with the continuing education requirements set forth in Section 1450.345 and by paying the renewal fee set forth in Section 1450.350 of this Subpart.
- b) It is the responsibility of each licensee to notify the Office of Banks and Real Estate of any change of address. Failure to receive a renewal form from the Office of Banks and Real Estate shall not constitute an excuse for failure to pay the renewal fee or to renew a license.
- c) Practicing or offering to practice on an expired license shall constitute unlicensed or unauthorized practice and shall be grounds for discipline.
- d) A licensee may renew a leasing agent license after the expiration date of the license, except as provided in subsection (e) of this Section, by meeting all the regular renewal requirements and by paying the regular renewal fee and an additional late renewal fee as set forth in Section 1450.350.
- e) A leasing agent license which has not been renewed during the 24 month period after the license has expired shall not be renewed. The holder of such an expired license may apply for a leasing agent license by meeting the requirements and paying the fees required of an applicant for an initial leasing agent license as set forth in this Subpart C.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.345 Continuing Education Requirement

EMERGENCY

- a) Beginning with the July 31, 2000 renewal of licenses for leasing agents, and for every renewal thereafter, each leasing agent licensee shall complete during the 24 month period prior to that renewal a

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minimum of six hours of continuing education (CE) that is relevant to leasing residential real property and is approved by the Real Estate Education Advisory Council. Approved courses shall, at a minimum, cover recent changes in the Act and other laws affecting the leasing of residential real estate and material regarding fair housing laws relating to the leasing of residential real property.

- b) A renewal applicant is not required to comply with these requirements for the first renewal following the original issuance of the applicant's leasing agent license.
- c) Continuing education sponsors (course providers), instructors, and courses must be approved by the Office of Banks and Real Estate as provided in Section 1450.355.
- d) Licensee compliance with CE requirements shall be certified pursuant to the following provisions:

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements of this Section.
- 2) The Office of Banks and Real Estate may, in the context of compliance audits, require additional evidence demonstrating compliance with the CE requirements (e.g., a certificate of attendance). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
- 3) In the context of a compliance audit, the Office of Banks and Real Estate shall accept verification (e.g., original transcript, certificate of attendance) submitted directly from a course provider on behalf of a renewal applicant as proof of CE compliance.
- 4) When there appears to be a lack of compliance with CE requirements, a licensee shall be subject to discipline pursuant to Section 1450.175.
- e) The Office of Banks and Real Estate shall conduct random audits pursuant to Section 1450.175 to verify compliance with this Section.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.350 Fees**EMERGENCY**

The following fees, which are non-refundable, shall be payable to the Office of Banks and Real Estate for deposit in the Real Estate License Administration Fund.

- a) The application fee for an initial leasing agent license shall be \$50.
- b) The application fee to renew a leasing agent license shall be \$25 per year, for a total of \$50 per renewal period.
- c) The late renewal fee for leasing agent licenses renewed pursuant to Section 1450.340 after the expiration date of the license shall be \$50.
- d) Applicants to take the leasing agent exam shall pay a fee covering the cost of providing the examination. If a designated testing service is

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utilized for the examination, such fee shall be paid directly to the testing service. Failure to appear for the exam after the applicant's application for examination and fee have been acknowledged shall result in the forfeiture of the examination fee.

- e) The fee for issuing a student leasing agent sponsor card shall be \$25.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.355 Approved Courses, Course Sponsors, and Instructors
EMERGENCY

All pre-license education courses, continuing education courses, course sponsors, and course instructors relating to leasing agent licensure must be approved by the Real Estate Education Advisory Council and licensed pursuant to Sections 1450.175 and 1450.280 of this Part.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

Section 1450.360 Leasing Agent Disciplinary Provisions**EMERGENCY**

- a) The Office of Banks and Real Estate and the Real Estate Administration and Disciplinary Board shall exercise the same powers and have the same duties to administer and enforce the leasing agent provisions of the Act and this Subpart as they exercise or have in administering and enforcing any other provisions of the Act.

- b) The procedures for investigating and taking action against a person who has violated or is accused of violating, the leasing agent provisions of the Act and this Part shall be carried out to the same extent and in the same manner as violations are investigated, heard, and acted upon under Article 1, Article 3, and Article 4 of the Act and this Part, including procedures for the investigation of complaints, notices to licensees, the hearing process by the Real Estate Administration and Disciplinary Board, and disciplinary action taken by the Board and Office of Banks and Real Estate. The appeal of decisions by the Board and Office of Banks and Real Estate shall be carried out as provided in Article 1, Article 3, and Article 4 of the Act and this Part.

(Source: Added at 21 Ill. Reg. 8350, effective June 30, 1997)

OFFICE OF BANKS AND REAL ESTATE

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY REPEALER

NOTICE OF EMERGENCY RULE

Section 1450 APPENDIX A Penalties for Criminal Acts (Repealed)
EMERGENCY

(Source: Repealed at 9 Ill. Reg. 341, effective January 3, 1985)

1) Heading of the Part: Real Estate Timeshare Act

2) Code Citation: 68 Ill. Adm. Code 1451

3) Section Numbers:	Emergency Action:
1451.10	New Section
1451.20	New Section
1451.30	New Section
1451.40	New Section
1451.50	New Section
1451.60	New Section
1451.70	New Section
1451.80	New Section
1451.95	New Section
1451.100	New Section
1451.200	New Section
1451.210	New Section
1451.300	New Section

4) Statutory Authority: Implementing and authorized by the Real Estate Timeshare Act [765 ILCS 101].

5) Effective Date of Rule: January 1, 2000

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: End of the 150 day period.

7) Date Filed with the Index Department: December 28, 1999

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Pursuant to Public Act 91-0585, effective January 1, 2000 the Office of Banks & Real Estate will commence administering the Real Estate Timeshare Act. Drafting of the rules has just been completed, and to ensure that the new Act will have rules for the administration of the Act, emergency rules are necessary until permanent rules can be adopted through regular rulemaking.

10) A Complete Description of the Subjects and Issues Involved: Effective January 1, 2000 the Office of Banks and Real Estate will commence licensing under the new Real Estate Timeshare Act. The emergency rules set forth definitions, license requirements, and other administrative rules needed to implement the new program until permanent rules can be adopted through the regular rulemaking process.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY RULE

- 11) Are there any proposed amendments to this Part Pending? No
- 12) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 13) Information and questions regarding these rules shall be directed to:

Name: Tom Schlenhardt
 Address: Legislative Liaison
 Office of Banks and Real Estate
 500 East Monroe, Suite 200
 Springfield, Illinois 62701
 Telephone: 217/782-3000

The full text of the Emergency Rule begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY RULE

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1451
 REAL ESTATE TIMESHARE ACT OF 1999

SUBPART A: ADDITIONAL DEFINITIONS

Section
 1451.10
 Definitions
 EMERGENCY

SUBPART B: ADDITIONAL REGISTRATION INFORMATION

Section
 1451.20
 Comprehensive Registration
 EMERGENCY
 1451.30
 Abbreviated Registration
 EMERGENCY
 1451.40
 Alternative Registration
 EMERGENCY
 1451.50
 Resale Agent Registration
 EMERGENCY
 1451.60
 Exchange Company Registration
 EMERGENCY
 1451.70
 Preliminary Permit
 EMERGENCY
 1451.80
 Multi-Site Timeshare Plan Disclosure Requirements
 EMERGENCY
 1451.90
 Public Offering Statement
 EMERGENCY
 1451.95
 Fees
 EMERGENCY

SUBPART C: ADDITIONAL INFORMATION TO BE SUBMITTED
TO THE OFFICE OF BANKS AND REAL ESTATE

Section
 1451.100
 Amendment of Registration
 EMERGENCY

SUBPART D: ADVERTISING AND PROMOTIONAL MATERIALS

Section
 1451.200
 Submission of Advertising and Promotional Materials
 EMERGENCY

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY RULE

1451.210 Guidelines for Advertising and Promotional Materials
EMERGENCY

SUBPART E: ADMINISTRATION AND TRANSITION INFORMATION

Section
1451.200 Registrations Under Previous Act; Extension; Expiration
EMERGENCY

AUTHORITY: Implementing and authorized by the Real Estate Time Share Act [765 ILCS 101] (P.A. 91-585, effective January 1, 2000).

SOURCE: Emergency rules adopted at 24 Ill. Reg. 850 effective January 1, 2000, for a maximum of 150 days.

SUBPART A: ADDITIONAL DEFINITIONS

Section 1451.10 Definitions
EMERGENCY

Unless otherwise defined or clarified in this Part, definitions set forth in the Act also apply for purposes of this Part.

"Act" shall mean the Real Estate Timeshare Act of 1999 [765 ILCS 101].

"OBRE" shall mean the Office of Banks and Real Estate.

"Rules" shall mean these administrative rules.

SUBPART B: ADDITIONAL REGISTRATION INFORMATION

Section 1451.20 Comprehensive Registration
EMERGENCY

A comprehensive registration as set forth in Section 5-15(d) of the Act shall include but not be limited to:

- a) a completed developer application;
- b) certificate of authority to transact business in Illinois, if applicable;
- c) certified financial statements;
- d) consent to service of process;
- e) consent to audit special accounts;
- f) a completed timeshare plan application/questionnaire, including the following exhibits:
 - 1) general location map;
 - 2) scaled, drafted plot map;
 - 3) floor plans for each type of unit;
 - 4) copy of plat or survey of record;

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY RULE

- 5) evidence of title;
 - 6) legal description of property;
 - 7) encumbrances;
 - 8) covenants;
 - 9) certificate of occupancy, if available;
 - 10) certification of promised improvements;
 - 11) public offering statement;
 - 12) contract and conveyance documents;
 - 13) exchange copy documents;
- g) a completed application for each acquisition agent, sales agent, and managing agent; and
- h) the required filing fee.

Section 1451.30 Abbreviated Registration
EMERGENCY

An abbreviated registration as set forth in Section 5-15(e) of the Act shall include but not be limited to:

- a) a completed developer application;
- b) certificate of authority to transact business in Illinois, if applicable;
- c) consent to service of process;
- d) consent to audit special accounts;
- e) a completed timeshare plan application/questionnaire;
- f) a completed application for each acquisition agent, sales agent, and managing agent;
- g) a certificate of registration or other evidence of registration from any jurisdiction in which the timeshare plan is approved or accepted and is in good standing with that jurisdiction;
- h) copies of any disclosure documents required to be given to purchasers or required to be filed with the jurisdiction in which the timeshare plan is approved; and
- i) the required filing fee.

Section 1451.40 Alternative Registration
EMERGENCY

a) An alternative registration as set forth in Section 5-15(g) shall include but not be limited to:

- 1) a completed developer application;
- 2) certificate of authority to transact business in Illinois, if applicable;
- 3) consent to service of process;
- 4) consent to audit special accounts;
- 5) a completed timeshare plan application/questionnaire;
- 6) a completed application for each acquisition agent, sales agent, and managing agent;

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY RULE

- 7) copies of any disclosure documents required to be given to purchasers or required to be filed with the jurisdiction in which the timeshare plan is approved;
 - 8) an acceptable assurance in the amount of \$1,000,000, which may include an irrevocable letter of credit drawn on a federal or state chartered financial institution, or such other financial assurance acceptable to OBRE; and
 - 9) the required filing fee.
- b) Claims by any Illinois purchaser pursuant to Section 5-15(g) of the Act shall be subject to the following procedures:
- 1) the Illinois purchaser must first obtain a final judgment in any court of competent jurisdiction against the developer or his or her agents or employees, on the grounds of conduct as determined by OBRE, that constitutes a violation of the Real Estate Timeshare Act of 1999 or this Part;
 - 2) the Illinois purchaser must submit an affidavit to OBRE along with a copy of the final judgment stating that the developer has failed to satisfy the judgment within 180 days after all appeals have been exhausted; and
 - 3) upon receipt by OBRE of the information required by Section 1450.20(b) Ill. Admin. Code, OBRE shall cause satisfaction of the judgment which constitutes actual monetary loss to the Illinois purchaser from the acceptable assurance.

**Section 1451.50 Resale Agent Registration
EMERGENCY**

Any person or entity that registers as a resale agent pursuant to the Act must comply with Section 5-40 of the Act and shall be required to provide information, which may include, but not be limited to, a certification of licensure by the proper licensing authority of the jurisdiction in which the timeshare interest is located, if the resale agent is required to maintain a license in that jurisdiction.

**Section 1451.60 Exchange Company Registration
EMERGENCY**

Any exchange company required to register with OBRE may satisfy the registration and disclosure requirements by filing a registration submittal filed with another state, so long as the registration submittal substantially complies with the requirements specified in the Real Estate Timeshare Act of 1999.

**Section 1451.70 Preliminary Permit
EMERGENCY**

OBRE may issue a preliminary permit as set forth in Section 5-15(f) of the Act.

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**Section 1451.80 Multi-Site Timeshare Plan Disclosure Requirements
EMERGENCY**

- a) If the timeshare plan is a multi-site plan, the developer shall provide additional information to OBRE, including, but not limited to:
 - 1) whether the purchaser of such multi-site plan will receive a specific timeshare interest; or
 - 2) whether the purchaser of such multi-site plan will receive a non-specific timeshare interest.
- b) A developer of a multi-site timeshare plan with one or more component sites which are made available through a reservation system shall make the following true and correct disclosures to OBRE, upon initial registration, and to the purchaser of a timeshare interest:
 - 1) name and address of each component site;
 - 2) number of accommodations and use periods expressed in periods of seven-day use availability and available for use by purchasers;
 - 3) each type of accommodation in terms of the number of bedrooms, bathrooms, sleeping capacity, and whether the accommodation contains a full kitchen;
 - 4) a description of facilities available for use by the purchaser at each component site;
 - 5) a description of the reservation system and the rules and regulations governing reservations;
 - 6) a summary of restrictions, if any, to be imposed on a purchaser concerning the use of each component site; and
 - 7) a description of any priority reservation rights at any component site that may affect the purchaser's odds of obtaining a reservation at that component site.
- c) Additionally, a developer of a multi-site timeshare plan with a non-specific interest, pursuant to subsection (a)(2), shall disclose the following information to OBRE upon initial registration and annually at the renewal, and shall also provide the same information to the purchaser annually:
 - 1) certification that a one-to-one purchaser-to- accommodation ratio, pursuant to Section 1-30 of the Act, is maintained;
 - 2) the location of all accommodations;
 - 3) the number of timeshare intervals available at each location or component site;
 - 4) the number of purchasers eligible to use the accommodations of a timeshare plan; and
 - 5) evidence of title for each component site for which a non-specific timeshare interest is being offered in Illinois.

**Section 1451.90 Public Offering Statement
EMERGENCY**

- a) Each public offering statement shall:

OFFICE OF BANKS AND REAL ESTATE

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- 1) contain the information required by Section 5-25 of the Act;
- 2) be provided in writing or electronic means to OBRE and purchasers; and
- 3) provide for a document certifying receipt of the public offering statement by the purchaser.

b) The public offering statement shall be submitted to OBRE in the English language and any reference in an approval letter of OBRE to the documents comprising the public offering statement shall be to such documents in the English language. A developer may use non-English versions of the documents if:

- 1) any such document is an accurate translation of the English version that has been approved by OBRE; and
- 2) the developer has identified each translated document in a completed, executed statement using the form prescribed by OBRE.

Upon request by OBRE, a developer shall promptly deliver to OBRE a copy of any translated document that has been or is being used in an offering.

- c) Approval by OBRE of a public offering statement shall not be promoted to the public as an endorsement by OBRE of the developer or the timeshare plan or be used to induce the purchase of an interest in a timeshare plan.

d) In the case of a timeshare plan with accommodations located outside the State of Illinois, OBRE may accept the public offering statement or similar disclosure document utilized in any other state in which the timeshare plan is registered; provided, however, that such public offering statement or disclosure document contains information substantially equivalent to or greater than the information required by the Real Estate Timeshare Act of 1999.

Section 1451.95 Fees

EMERGENCY

- a) Initial Registration Fees

- 1) Developer Registration Fee:

Single-Site Timeshare Plan.....	\$1,500
Multi-Site Timeshare Plan that includes a Specific Timeshare Interest.....	
- For each component site offered in Illinois.....	\$1,500
- For each component site not offered in Illinois (maximum \$1,500).....	\$0
Multi-Site Timeshare Plan that includes a Non-Specific Timeshare Interest.....	\$3,000
- For each component site included in the Multi-Site Timeshare Plan (maximum \$15,000).....	\$ 500
Preliminary Permit.....	\$ 500

- 2) Acquisition Agent Registration Fee (one time initial registration

OFFICE OF BANKS AND REAL ESTATE

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per entity).....	\$ 500
3) Sales Agent Registration Fee (one time initial registration per entity).....	\$ 500
4) Managing Entity Registration Fee (one time initial registration per entity).....	\$ 500
5) Exchange Company Registration Fee.....	\$ 250
6) Resale Agent Registration Fee.....	\$ 500
b) Registration Renewal Fees	
1) Developer Registration Fee:	

Single-Site Timeshare Plan.....\$1,000
Multi-Site Timeshare Plan that includes a Specific Timeshare Interest

- For each component site offered in Illinois.....\$1,000
- For each component site not offered in Illinois (maximum \$1,000).....\$ 25

Multi-Site Timeshare Plan that includes a Non-Specific Timeshare Interest.....\$2,000

- For each component site included in the Multi-Site Timeshare Plan (maximum \$10,000).....\$ 250

2) Acquisition Agent Registration Fee (one time initial registration per entity).....\$ 100

- 3) Sales Agent Registration Fee (one time initial registration per entity).....\$ 100

4) Managing Entity Registration Fee (one time initial registration per entity).....\$ 100

- 5) Exchange Company Registration Fee.....\$ 100

6) Resale Agent Registration Fee.....\$ 250

c) Amendment Fees

- 1) Single-Site Timeshare Plan:

- Adding accommodations or units.....\$1,000

2) Multi-Site Timeshare Plan that includes a Specific Timeshare Interest:

- Adding units to a component site to be offered in Illinois...\$1,000

3) Multi-Site Timeshare Plan that includes a Non-Specific Timeshare Interest:

- Adding units to a component site.....\$1,000

- Adding a new component site.....\$1,000

- 4) All other amendments to an existing registration.....\$ 250

SUBPART C: ADDITIONAL INFORMATION TO BE SUBMITTED TO

THE OFFICE OF BANKS AND REAL ESTATE

Section 1451.100 Amendment of Registration

EMERGENCY

The developer shall amend or supplement its registration to report any material

OFFICE OF BANKS AND REAL ESTATE

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change in the information required by the Real Estate Timeshare Act of 1999. Such amendment or supplementation shall be made within 30 days after the occurrence of the material change. "Material change" means any change which alters the meaning or effect of an instrument or information, or any change which affects the rights or liabilities of any timeshare owner or any potential timeshare purchaser.

SUPPORT D: ADVERTISING AND PROMOTIONAL MATERIALS

Section 1451.200 Submission of Advertising and Promotional Materials EMERGENCY

OBRE may request advertising and promotional materials at any time, including but not limited to pre-registration, registration, and renewal.

Section 1451.210 Guidelines for Advertising and Promotional Materials EMERGENCY

Any advertising material relating to a timeshare plan, including prize and gift promotional offers, must be in full compliance with Section 10-25 and the guidelines set forth in this Section.

- a) A seller or other person using an advertisement or promotion in connection with the offering of a timeshare plan shall clearly disclose:
 - 1) that any person whose name or address is obtained during the promotion may be solicited to purchase a timeshare interest and attendance at a sales presentation may be required;
 - 2) the name of each seller or other person trying to sell a timeshare interest through the promotion and the name of each person paying for the promotion;
 - 3) the complete rules of the promotion;
 - 4) the method of awarding prizes, gifts, or other benefits under the promotion; a complete and fully detailed description, including approximate retail value of all prizes, gifts or benefits under the promotion; any required deposits or additional fees; the quantity of each prize, gift or benefit that will be awarded or conferred; and
 - 5) each piece of advertising or promotional piece shall contain the following disclosure in bold face, 10 point type: "THIS ADVERTISING MATERIAL IS BEING USED FOR THE PURPOSE OF SOLICITING THE SALE OF 'TIMESHARE INTERESTS' or substantially similar language acceptable to OBRE.
- b) A seller or other person operating an exhibit booth, kiosk, or any other type of stand-alone display must prominently disclose on the signage, in at least 2" typed letters, the name of the seller and/or person paying for the promotion.
- c) If a seller or other person represents that a prize, gift, or benefit will be awarded in connection with a promotion, the prize, gift or

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY RULE

benefit must be awarded or conferred in a manner represented, and on or before the date presented.

- d) A seller or other person using an advertisement or promotion in connection with the offering of a timeshare plan shall not:

- 1) misrepresent a fact material to a purchaser's decision to purchase a timeshare interest;
- 2) predict specific or immediate increases in the value of a timeshare interest;
- 3) materially misrepresent the qualities or characteristics of a timeshare property or the amenities available to a purchaser;
- 4) misrepresent the length that accommodations or amenities will be available to the purchaser of a specific or non-specific timeshare interest; or
- 5) knowingly misrepresent the conditions under which a purchaser of a specific or non-specific timeshare interest may exchange the right of his or her occupancy for the right to occupy an accommodation in another location.

SUPPORT E: ADMINISTRATION AND TRANSITION INFORMATION

Section 1451.300 Registrations Under Previous Act: Extension; Expiration EMERGENCY

- a) Pursuant to Section 25-5 of the Act, all registrations in effect under the Illinois Real Estate Time-Share Act [765 ILCS 100, repealed] shall remain in full force and effect after January 1, 2000.
- b) All registrations in effect pursuant to subsection (a) above, which would have expired on December 31, 1999, shall be extended to April 1, 2000 under the Act, except for exchange company registrations. Exchange company registrations shall be extended to July 1, 2000.
- c) All registrations under the Act and this Section shall expire annually on April 1, except for exchange company registrations. Exchange company registrations shall expire annually on July 1.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: The Travel Regulation Council

2) Code Citation: 80 Ill Adm. Code 3000

3) Section Numbers: Emergency Action:
3000.400 Amend
3000.Appendix A Amend

4) Statutory Authority: Implementing and authorized by Section 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3]

5) Effective Date of Amendment: January 1, 2000

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed with the Index Department: December 28, 1999

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: There was not sufficient time to develop proposed amendments that could be processed through normal rulemaking and have the amendments effective January 1, 2000

10) A Complete Description of the Subjects and Issues Involved: Amendments to Section 3000.400 revise an incorporated reference to the Federal Register publication which summarizes federal lodging rates. Amendments to Section 3000.Appendix A increase lodging rates in Rock Island County and Washington, D.C.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government

13) Information and questions regarding these amendments shall be directed to:

Stephen W. Seiple
720 Stratton office Building
Springfield IL 62706
217/782-9669

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE 1: GENERAL TRAVEL CONTROL
CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000

THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section
3000.100 Authority
3000.110 Philosophy
3000.120 Policy
3000.130 Scope and Interpretation
3000.140 Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

Section
3000.200 Travel Control System
3000.210 Designation of Headquarters
3000.220 Expenses at Headquarters or Residence
3000.230 Preparation and Submission of Vouchers or Travel Expenses

SUBPART C: TRANSPORTATION

Section
3000.300 Modes of Transportation
3000.310 Routing

SUBPART D: LODGING

Section
3000.400 Lodging Allowances
3000.410 Least Costly Lodging
3000.420 Conference Lodging
3000.430 Employee Owned or Controlled Housing

SUBPART E: PER DIEM-MEALS

Section
3000.500 Per Diem Allowance
3000.510 Meal Allowance

SUBPART F: MISCELLANEOUS RULES

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

3000.600 Reimbursable and Non-Reimbursable Expenses
3000.610 Expenses Related to Transportation
3000.620 Receipts Required
3000.630 Meals for Other Persons

SUBPART G: EXCEPTIONS

Section
3000.700 Exceptions to the Rules
3000.710 Board-Agency Rules
3000.720 Non-Required Travel

APPENDIX A
REIMBURSEMENT SCHEDULE

AUTHORITY: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; peremptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. 7377, effective May 13, 1996; amended at 20 Ill. Reg. 9025, effective July 1, 1996; amended at 21 Ill. Reg. 8899, effective July 1, 1997; amended at 22 Ill. Reg. 11713, effective July 1, 1998; emergency amendment at 23 Ill. Reg. 11332, effective August 27, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 245, effective December 27, 1999; emergency amendment at 24 Ill. Reg. 861, effective January 1, 2000, for a maximum of 150 days.

SUBPART D: LODGING

Section 3000.400 Lodging Allowances

EMERGENCY

- a) The lodging allowances specified in Appendix A, Reimbursement Schedule are the maximum rates allowed by the Travel Control Boards. The Council shall review the rates annually to determine necessary adjustments. Except as provided in Section 3000.430, only commercial lodging may be reimbursed.
- b) The maximum reimbursement for lodging in Cook County, Illinois shall be in accordance with the rate promulgated pursuant to 5 USC 701-5709 and 41 CFR 301, Appendix A, 1999, as revised (December 2, 1999 duty 19--1999, Federal Register, Vol. 64, #231 #137, Government Printing Office). No later amendments or editions shall act to vary this rate.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 861 . . .)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

effective January 1, 2000, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section 3000.APPENDIX A Reimbursement Schedule
EMERGENCY

The following rates are effective for the Travel Control Boards. The rates will be reviewed annually to determine necessary adjustments.

<u>Type of Reimbursement</u>	<u>Rate</u>
<u>Mileage</u>	
Auto	See Section 3000.300(f)(2)
Plane	See Section 3000.300(g)(2)
<u>Per Diem/Meals</u>	
<u>Within the State of Illinois</u>	
Breakfast	\$5.50
Lunch	\$5.50
Dinner	\$17.00
Per Diem -- Quarter	\$7.00
Per Diem -- Day	\$28.00
<u>Outside the State of Illinois</u>	
Breakfast	\$6.50
Lunch	\$6.50
Dinner	\$19.00
Per Diem -- Quarter	\$8.00
Per Diem -- Day	\$32.00
<u>Lodging</u>	
<u>Chicago Metro</u>	
County of Cook	See Section 3000.400(b)
Counties of Cook, DuPage, Kane, Lake, McHenry, Will	\$80.00
<u>Downstate</u>	
Counties of Champaign, Kankakee, LaSalle, McLean, Macon, Madison Peoria, Rock Island, St. Clair, Sangamon, Tazewell, and Winnebago	\$60.00
<u>All other Downstate Counties</u>	\$50.00
<u>Out-of-State</u>	
Washington, D.C. (includes the cities of Alexandria, Falls Church,	\$118.00

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia and the counties of Montgomery and Prince Georges in Maryland)

<u>All other Out-of-State</u>	\$110.00
<u>Out-of-Country</u>	Actual Reasonable
(Source: Amended by emergency rulemaking at 24 Ill. Reg. 6.6, effective January 1, 2000, for a maximum of 150 days)	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill. Adm. Code 2800
- 3) Section Numbers: Emergency Action:
2800.Appendix A Amend
- 4) Statutory Authority: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of the State Finance Act [30 ILCS 105/12, 12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000).
- 5) Effective Date of Amendments: January 1, 2000
- 6) If this emergency rule is to expire before end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office: December 28, 1999
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: There was not sufficient time to develop proposed amendments that could be processed through normal rulemaking and have the amendments effective January 1, 2000.
- 10) A Complete Description of the Subjects and Issues Involved: The emergency amendment increases lodging rates in Rock Island County and Washington, D.C.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create nor expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield IL 62706
217/782-9669

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/
GOVERNOR'S TRAVEL CONTROL BOARD

PART 2800
TRAVEL

SUBPART A: GENERAL

Section	Definitions
2800.100	Application and Interpretation
2800.110	

SUBPART B: TRAVEL CONTROL SYSTEM

Section	Travel Control System
2800.200	Travel Coordinator
2800.210	Travel Authority
2800.220	Government Charge Cards
2800.230	Expenses at Headquarters or Residence
2800.235	Preparation and Submission of Travel Vouchers
2800.240	Approval and Submission of Travel Vouchers
2800.250	Items Directly Billed
2800.260	Conference Registration Fees
2800.270	

SUBPART C: TRANSPORTATION EXPENSES

Section	Incidental Expenses for Private and State Owned Automobiles
2800.300	

SUBPART D: LODGING

Section	Conference Lodging
2800.400	Employee Owned or Controlled Housing
2800.410	

SUBPART E: PER DIEM MEALS

Section	Conference Meals
2800.500	

SUBPART F: MISCELLANEOUS RULES

Section	Lack of Receipts
2800.600	Headquarter Designation for Agency Heads
2800.650	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

SUBPART G: EXCEPTIONS TO THE RULES

Section
2800.700 Special Exceptions-Requested in Advance
2800.710 Ex Post Facto Exceptions

Appendix A Reimbursement Schedule

EMERGENCY

AUTHORITY: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of the State Finance Act [30 ILCS 105/12, 12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 5682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 8 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. 13823, effective September 1, 1992; amended at 19 Ill. Reg. 36, effective January 1, 1995; amended at 19 Ill. Reg. 7858, effective July 1, 1995; amended at 20 Ill. Reg. 7379, effective May 13, 1996; emergency amendment at 22 Ill. Reg. 12082, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20036, effective November 6, 1998; emergency amendment at 24 Ill. Reg. ~~857~~⁸⁵⁷, effective January 1, 2000, for a maximum of 150 days.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section 2800.APPENDIX A Reimbursement Schedule

EMERGENCY

The following rates are effective for Agencies under the jurisdiction of the Board.

Type of Reimbursement RateMileage

Auto

See Section
3000.300(f)(2)
of the
Regulation
Council Rules (80 Ill.
Adm.
Code 3000.300(f)(2))
\$0.40/mile

Plane

Per Diem/Meals

Within the State of Illinois

Breakfast

\$ 5.50

Lunch

\$ 5.50

Dinner

\$ 17.00

Per Diem -- Quarter

\$ 7.00

Per Diem -- Day

\$ 28.00

Outside the State of Illinois

Breakfast

\$ 6.50

Lunch

\$ 6.50

Dinner

\$ 19.00

Per Diem -- Quarter

\$ 8.00

Per Diem -- Day

\$ 32.00

Lodging

Chicago Metro

County of Cook

See Section 3000.400(b)
of the Travel
Regulation Council
Rules
(80 Ill. Adm. Code
3000.400(b))

Counties of DuPage, Kane, Lake,

McHenry, and Will

\$80.00

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

Downstate Illinois

Counties of Champaign, Kankakee, LaSalle, McLean, Macon, Madison, Peoria, Rock Island, St. Clair, Sangamon, Tazewell, and Winnebago

\$60.00

All other Downstate Counties

\$50.00

Out-of-State

\$169.00

Washington-D.C.- (also includes the cities of Alexandria, Falls Church, and Fairfax)-and the counties of Arlington-Boudinot and Fairfax-in-Virginia-and the counties of Montgomery-and Prince-George-in-Maryland)-and New-York-City (includes the boroughs-of-the-Bronx-Brooklyn-Manhattan-Queens-and-Staten Island)-Nassau-and-Suffolk counties)

\$110.00

Washington, D.C. (includes the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland)

New York City (includes the boroughs of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island; Nassau and Suffolk Counties)

All other out-of-state locations

\$90.00

Out-of-Country

Actual Reasonable

867

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective January 1, 2000, for a maximum of 150 days)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Interior Design Profession Title Act

2) Code Citation: 68 Ill. Adm. Code 1255

3) Section Numbers: 1255.65
Emergency Action: New Section

4) Statutory Authority: Interior Design Profession Title Act [225 ILCS 310]

5) Effective Date of Rules: December 31, 1999

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they will expire: These emergency rules are to expire when the proposed rules are adopted.

7) Date filed with the Index Department: December 30, 1999

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: As of January 1, 2000, there will no longer be a statutory fee section for this profession; since no action was taken by JCQR at their December meeting on the pending rules, we are submitting this emergency rule.

10) A Complete Description of the Subjects and Issues Involved: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this emergency rulemaking adds Section 1255.65 to accomplish that change.

11) Are there any proposed Amendments to this Part pending: Yes, at 23 Ill. Reg. 12295.

12) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

13) Information and questions regarding these Rules shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax #: 217/782-7645

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1255
INTERIOR DESIGN PROFESSION TITLE ACT

Section	Application for Registration Under Section 8(c) of the Act (Grandfather) (Repealed)
1255.10	
1255.15	Application for Registration as a Residential Interior Designer Under Section 8(c-5) of the Act (Grandfather)
1255.20	Application for Registration
1255.30	Approved Programs of Interior Design
1255.40	Full-time Diversified Professional Experience
1255.50	Endorsement
1255.60	Renewal
1255.65	Fees
EMERGENCY	
1255.70	Inactive Status
1255.80	Restoration
1255.90	Granting Variances

AUTHORITY: Implementing the Interior Design Profession Title Act [225 ILCS 310] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 17411, effective November 19, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 3194, effective February 18, 1992; amended at 19 Ill. Reg. 7614, effective May 26, 1995; emergency amendment at 24 Ill. Reg. 872, effective December 31, 1999, for a maximum of 150 days.

Section 1255.65 Fees

EMERGENCY

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a certificate of registration as an interior designer or residential interior designer is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) Renewal Fees. The fee for the renewal of a certificate of

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

registration shall be calculated at the rate of \$30 per year.

c) General Fees.

- 1) The fee for the restoration of a certificate of registration other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$200.
- 2) The fee for the issuance of a duplicate certificate of registration, for the issuance of a replacement certificate of registration, or for the issuance of a certificate that has been lost or destroyed, or for the issuance of a certificate of registration with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate certificate of registration is issued.
- 3) The fee for a certification of a registrant's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons registered as interior designers or residential interior designers in this State shall be the actual cost of producing the roster.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 872, effective December 31, 1999, for a maximum of 150 days)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Professional Boxing and Wrestling Act
- 2) Code Citation: 68 Ill. Adm. Code 1370
- 3) Section Numbers: Emergency Action:
1370.305 New Section
- 4) Statutory Authority: Professional Boxing and Wrestling Act [225 ILCS 105]
- 5) Effective Date of Rules: December 31, 1999
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they will expire. These emergency rules are to expire when the proposed rules are adopted.
- 7) Date filed with the Index Department: December 30, 1999
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Public Act 91-408, which takes effect on January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this emergency rulemaking adds Section 1370.305 to accomplish that change.
- 10) A Complete Description of the Subjects and Issues Involved: PA 91-408 made numerous revisions in the Professional Boxing and Wrestling Act, clearly delineating who must be licensed or registered by the Department, including contestants, seconds, timekeepers, managers, matchmakers, judges, and referees. It also replaced the Act's statutory fees with fees set by administrative rule. This rulemaking establishes those fees.
- 11) Are there any proposed Amendments to this Part pending: No
- 12) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 13) Information and questions regarding these Rules shall be directed to:

Department of Professional Regulation
 Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813 Fax #: 217/782-7645

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1370

PROFESSIONAL BOXING AND WRESTLING ACT

SUBPART A: STATUTORY AUTHORITY

Section
1370.10 Statutory Authority

SUBPART B: BOXING

Section
1370.20 Application for Licenses
1370.30 Structure of Ring
1370.40 Classes and Weights of Boxers
1370.50 Fight Preparations
1370.60 Ring Equipment
1370.70 Conduct of a Contest
1370.80 Scoring
1370.90 Knockdowns
1370.100 Fouls
1370.110 Use of substances that alter performance; Stopping bleeding
1370.120 Conduct of Ring Officials

SUBPART C: WRESTLING

Section
1370.200 Applications for Licenses
1370.210 Structure of Ring
1370.220 Preparations for an Exhibition
1370.230 Conduct of an Exhibition
1370.240 Length of an Exhibition
1370.250 Scoring
1370.260 Holds
1370.270 Wrestler out of ring
1370.280 Disqualification
1370.290 Australian Tag Team Wrestling
1370.300 Medical Supervision

SUBPART D: GENERAL PROVISIONS

Section
1370.305 Fees
EMERGENCY Definitions
1370.310

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

- 1370.320 Applications for Permits
- 1370.315 Ultimate Fighting Exhibition
- 1370.325 Requirements for Closed Circuit Telecasts
- 1370.330 Compensation
- 1370.340 Payment of Taxes
- 1370.350 Public Safety
- 1370.360 Renewals
- 1370.370 Granting Variances

AUTHORITY: Implementing Section 5 of the Professional Boxing and Wrestling Act [225 ILCS 105/5] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 5 Ill. Reg. 11100, effective October 1, 1981, for a maximum of 150 days; adopted at 6 Ill. Reg. 8978, effective July 15, 1982; emergency amendment at 11 Ill. Reg. 21008, effective December 9, 1987, for a maximum of 150 days; transferred from Chapter I, 68 Ill. Adm. Code 370 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1370 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2969; amended at 12 Ill. Reg. 11452, effective June 27, 1988; emergency amendment at 22 Ill. Reg. 14346, effective July 16, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19860, effective October 30, 1998; emergency amendment at 24 Ill. Reg. 8773, effective December 31, 1999, for a maximum of 150 days.

SUBPART D: GENERAL PROVISIONS

Section 1370.305 Fees**EMERGENCY**

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees
 - 1) Boxing
 - A) The application fee for a license as a boxing promoter is \$500.
 - B) The application fee for a license as a boxing referee is \$150.
 - C) The application fee for a license as a boxing matchmaker is \$150.
 - D) The application fee for a license as a boxing manager is \$100.
 - E) The application fee for a license as a boxing contestant is \$25.
 - F) The application fee for a license as a boxing timekeeper is \$75.
 - G) The application fee for a license as a boxing judge is \$50.
 - H) The application fee for a license as a boxing second is \$25.
 - 2) Wrestling

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

- A) The application fee for a license as a wrestling promoter is \$500.
- B) The application fee for a license as a wrestling referee is \$150.
- C) The application fee for a license as a wrestling timekeeper is \$75.
- b) Renewal Fees
 - 1) Boxing
 - A) The renewal fee for a boxing promoter license shall be calculated at the rate of \$250 per year.
 - B) The renewal fee for a boxing referee license shall be calculated at the rate of \$75 per year.
 - C) The renewal fee for a boxing matchmaker license shall be calculated at the rate of \$75 per year.
 - D) The renewal fee for a boxing manager license shall be calculated at the rate of \$50 per year.
 - E) The renewal fee for a boxing contestant license shall be calculated at the rate of \$12.50 per year.
 - F) The renewal fee for a boxing timekeeper license shall be calculated at the rate of \$37.50 per year.
 - G) The renewal fee for a boxing judge license shall be calculated at the rate of \$25 per year.
 - H) The renewal fee for a boxing second license shall be calculated at the rate of \$12.50 per year.
 - 2) Wrestling
 - A) The renewal fee for a wrestling promoter license shall be calculated at the rate of \$250 per year.
 - B) The renewal fee for a wrestling referee license shall be calculated at the rate of \$75 per year.
 - C) The renewal fee for a wrestling timekeeper license shall be calculated at the rate of \$37.50 per year.

- c) General Fees
 - 1) The fee for a permit for a boxing match or wrestling event is \$50.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement certificate of registration for a certificate of registration that has been lost or destroyed, or for the issuance of a certificate of registration with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate certificate of registration is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 5) The fee for a roster of persons licensed in this State shall be the actual cost of producing the roster.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective December 31, 1999, for a maximum of 150 days)

875

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Motor Fuel Tax Law

2) Code Citation: 86 Ill. Adm. Code 500

3) Section Numbers: Emergency Action:
 500.100 Amendment
 500.201 Amendment
 500.203 Amendment
 500.204 Amendment
 500.205 Amendment
 500.206 New Section
 500.210 Amendment
 500.230 Amendment
 500.235 Amendment
 500.265 Amendment
 500.297 New Section

4) Statutory Authority: 35 ILCS 505/1

5) Effective Date of Amendments: January 1, 2000

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: December 20, 1999

8) A statement that a copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Implements Public Act 91-173, which takes effect January 1, 2000.

10) A Complete Description of the Subjects and Issues Involved: Amends the Motor Fuel Tax Law as follows:

Amends definitions of distributor, blending, l-k kerosene, and supplier and adds definitions for dyed diesel fuel, terminal rack, premises, kerosene-type jet fuel, and designated inspection site.

Provides that all special fuel sold or used for non-highway purposes must contain a dye as defined in the statute. The dye must be added prior to removal from the terminal rack. The Department may also require all special fuel sold for non-highway use to have a marker added.

Provides for notices on shipping papers accompanying any sale of dyed diesel fuel and storage containers used to store or distribute dyed diesel fuel.

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

Deletes bulk user licensing and filing requirements.

Provides that losses of fuel or motor fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallons during the month, minus the gallonage remaining in storage at the end of the month. Any loss in excess of 1% shall be subject to tax.

Provides for claims based upon the use of undyed diesel fuel only upon undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways and unlicensed commercial vehicles operating on private property. Establishes specific uses and limits on the amount of undyed diesel fuel that may be claimed for refund.

Makes other changes.

- 11) Are there any proposed amendments to this Part pending: No
- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Martha Note
Gina Roccaforte
Associate Counsels
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, IL 62794
Phone: (217) 782-6996

The full text of the Emergency Amendments begin on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 500
MOTOR FUEL TAX

SUBPART A: DEFINITIONS

Section	Definitions
500.100 EMERGENCY	
500.101	Definition of Receiver (Repealed)
500.102	Definition of Loss (Repealed)

SUBPART B: MOTOR FUEL TAX

Section	Basis and Rate of the Motor Fuel Tax
500.200	
500.201 Licensure	
500.202 EMERGENCY	Basis and Rate of Tax Payable by Receivers
500.203	Monthly Returns
500.204 EMERGENCY	Report of Loss of Motor Fuel
500.205 EMERGENCY	Daily Gallonage Record
500.206	Special Fuel Sold or Used for Non-Highway Purposes
500.210 EMERGENCY	Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers
500.215 EMERGENCY	Documentation of Tax-free Sales of Fuel Made by Licensed Receivers
500.220	Repealed
500.225	Other Vehicles (Repealed)
500.230	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
500.235 EMERGENCY	Claims for Refund - Invoices
500.240 EMERGENCY	Sales of Special Fuel - Variation in Usage
500.245	Estimated Claims
500.250	Claimants Owning Motor Vehicles (Repealed)
500.255	Detailed Answers
500.260	Revocation of License, Etc. - Notice - Hearing
500.265 EMERGENCY	Distributors' Claims for Credit or Refund
500.270 EMERGENCY	Receivers' Claims for Credit
500.275	Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

500.280 Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
 500.285 Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
 500.290 When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)
 500.295 Cost of Collection - Determination (Repealed)
 500.297 Protest Procedures for Certain Penalties
EMERGENCY

SUBPART C: MOTOR FUEL USE TAX

Section
 500.300 Licensure
 500.301 Special Motor Fuel Permits and Decals (Repealed)
 500.302 Motor Carrier's Quarterly Report (Repealed)
 500.305 Licenses and Decals
 500.310 Display of License and Decals
 500.315 Renewal of Decals and Licenses
 500.320 Single Trip Permits
 500.325 Licensure of Lessors and Lessees
 500.330 Cancellation of License
 500.335 Quarterly Payment and Reporting
 500.340 Credits and Refunds
 500.345 Records Requirements
 500.350 Revocation
 500.355 Protest Procedures
 500.360 Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
 500.400 General Information
 500.405 Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

Section
 500.500 Licenses and Permits Are Not Transferable
 500.501 Blenders' Permits Are Not Transferable (Repealed)
 500.505 Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

Section
 500.600 Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 39b2 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b2].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, P. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, P. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, P. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990; amended at 15 Ill. Reg. 6305, effective August 30, 1991; recodified at 18 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. 14917, effective August 3, 1998; amended at 22 Ill. Reg. 16322, effective August 25, 1998; amended at 22 Ill. Reg. 20299, effective December 1, 1998; emergency amendment at 24 Ill. Reg. 880, effective January 1, 2000, for a maximum of 150 days.

SUBPART A: DEFINITIONS

Section 500.100 Definitions

EMERGENCY

For purposes of this Part, the following definitions apply:

"Base Jurisdiction" means the jurisdiction where commercial motor vehicles are based for vehicle registration purposes and:

Where the operational control and operational records of the licensee's commercial motor vehicles are maintained or can be made available; and

Where some travel is accrued by commercial motor vehicles within the fleet.

"Bulk User" means any person; other than a licensed distributor or licensed supplier; who owns, operates, or controls special fuel bulk storage facilities into which any special fuel is delivered by the seller without the motor fuel tax being paid; and owns, operates or controls licensed highway vehicles which are powered by special fuel.
 (Section 1-115 of the Act)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

"Blender" means any person who engages in the practice of blending. (Section 1.6 of the Act)

"Blending" means the process by which two or more products, of any one or more products with other products, and regardless of the original character of the products so blended, provided the resultant product so obtained is suitable or practicable for use as a motor fuel, except such blending as may occur in the process known as refining by the original refiner of crude petroleum, and except, also, the blending of products known as lubricating oil in the production of lubricating oils and greases and except, also, the dyeing of special fuel as required by Section 4d of the Law. (Section 1.5 of the Act)

"Commercial Motor Vehicle" means a motor vehicle used, designed, or maintained for the transportation of persons or property and either having 2 axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,793 kilograms, or having 3 or more axles regardless of weight, or that is used in combination, when the weight of the combination exceeds 26,000 pounds or 11,793 kilograms gross vehicle weight. This term does not include motor vehicles operated by the State of Illinois or the United States, recreational vehicles, school buses and commercial motor vehicles operated solely within Illinois for which all motor fuel is purchased within this State. (Section 1.16 of the Act)

"Designated inspection site" means any State highway inspection station, weigh station, agricultural inspection station, mobile station, or other location designated by the Department to be used as a fuel inspection site. A designated inspection site will be identified as a fuel inspection site. (Section 1.26 of the Law)

"Diesel fuel" means any petroleum product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark. (Section 2(b) of the Act)

"Distributor" means a person who either (i) produces, refines, blends, compounds or manufactures motor fuel in this State, or (ii) transports motor fuel into this State or receives motor fuel transported to him from without the State, or (iii) who is engaged in this State in the distribution of motor fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active bulk storage capacity of not less than 30,000 gallons for gasoline as defined in Section 5(A) of the Law. (Section 1.2 of the Act)

"Dyed diesel fuel" means special fuel, as defined in Section 1.13 of the Law, dyed in accordance with Section 4d of the Law. (Section 1.13B of the Law)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

"Export" means the transportation of reportable motor fuel or fuel, by any vessel, from Illinois, when such motor fuel or fuel comes to rest in a different state, whether or not in the original vessel used to transport the motor fuel or fuel. Motor fuel or fuel delivered to a different state, by or on behalf of the seller, constitutes an export by the seller. Motor fuel or fuel delivered to a different state, by or on behalf of the purchaser, constitutes an export by the purchaser. The exporter of such motor fuel or fuel is subject to the reporting and licensing requirements of the origin and destination states.

"Fuel" means all liquids defined as "motor fuel" "Motor Fuel" and aviation fuels and kerosene, but excluding liquefied petroleum gases. (Section 1.19 of the Act)

"Import" means the transportation of reportable motor fuel or fuel, by any vessel, into Illinois, when such motor fuel or fuel comes to rest in Illinois, whether or not in the original vessel used to transport the motor fuel or fuel. Motor fuel or fuel delivered into Illinois, from a different state, by or on behalf of the seller, constitutes an import by the seller. Motor fuel or fuel delivered into Illinois, from a different state, by or on behalf of the purchaser, constitutes an import by the purchaser. The importer of such motor fuel or fuel is subject to the reporting and licensing requirements of the origin and destination states.

"International Fuel Tax Agreement" ("IFTA") means the multijurisdictional International Fuel Tax Agreement ratified by Congress, the provisions of which were imposed upon States pursuant to Public Law 102-240, which mandates that no State shall establish, maintain or enforce any law or regulation which has fuel use tax reporting requirements not in conformity with the International Fuel Tax Agreement.

"Jurisdiction" is a state of the United States, the District of Columbia, or a province or Territory of Canada.

"Kerosene-type jet fuel" means any jet fuel as described in ASTM Specification D 1655 and military specifications MIL-T-5624R and MIL-T-83133D (Grades JP-5 and JP-8). (Section 1.25 of the Law)

"Law" means the Motor Fuel Tax Law [35 ILCS 505].

"Leasing" means the giving of possession and control of a vehicle for valuable consideration for a specified period of time.

"Loss" means, for purposes related to claims for refund, the reduction of motor fuel resulting from spillage, spoilage, leakage, theft, destruction by fire or any other provable cause, but does not include

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a reduction in resulting from evaporation or shrinkage due to and temperature variations changes.

"Motor fuel" means all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, the propulsion of motor vehicles. Among other things, "motor fuel" includes "special fuel." (Section 1.1 of the Act)

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county or other political subdivision in this State. When used in these rules to prescribe or impose a fine or imprisonment or both, the term as applied to partnerships and associations shall mean the partners or members thereof; as applied to limited liability companies, the term means managers, members, agents or employees of the limited liability company; and as applied to corporations, the term shall mean the officers, agents, or employees thereof who are responsible for any violation of the Act. (Section 1.11 of the Act)

"Premises" means any location where original records are kept; where tank cars, ships, barges, tank trucks, tank wagons, or other types of transportation equipment are used to distribute fuel or motor fuel; or where containers, storage tanks, or other facilities are used to store or distribute fuel or motor fuel. (Section 1.24 of the Law)

"Receiver" means a person who either produces, refines, blends, compounds or manufactures fuel in this State, or transports fuel into this State or receives fuel transported to him from without the State or exports fuel out of this State, or who is engaged in the distribution of fuel primarily by tank car or tank truck, or both, who operates an Illinois bulk plant where he has active fuel bulk storage capacity of not less than 30,000 gallons. (Section 1.20 of the Act)

"Records" means all data maintained by the taxpayer, including data on paper, microfilm, microfiche or any type of machine-sensible data compilation.

"Recreational vehicle" means vehicles, such as motor homes, pickup trucks with attached campers, camping or travel trailers, van or truck campers, mini motor homes, or buses, used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

"Revocation" means the withdrawal of license and privileges.

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"Special fuel" means all volatile and inflammable liquids capable of being used for the generation of power in an internal combustion engine except that it does not include gasoline as defined in Section 5(A) of the Law, or combustible gases as defined in Section 5(B) of the Law. "Special fuel" includes "diesel fuel." All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of the Law. (Section 1.13 of the Act)

"Supplier" means any person other than a licensed distributor who (i) transports special fuel into this State or (ii) engages in the distribution of special fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active bulk storage capacity of not less than 30,000 gallons for special fuel as defined in Section 1.13 of the Law. receives special fuel--transported to him from outside the State; and a person engaged in Illinois in the distribution of special fuel primarily by tank car or tank truck; or both. (Section 1.14 of the Act)

"Terminal tank" means a mechanism for dispensing motor fuel or fuel from refinery, terminal, or bulk plant into a transport truck, railroad tank car, or other means of transportation. (Section 1.23 of the Law)

"Total distance" for purposes of the motor fuel use tax means all miles traveled during the reporting period by every commercial motor vehicle in the licensee's fleet, regardless of whether the miles are considered taxable or nontaxable by a jurisdiction.

"Weight" for purposes of the motor fuel use tax means the maximum weight of the loaded vehicle or combination of vehicles during the registration period.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 88 0 3, effective January 1, 2000, for a maximum of 150 days)

Section 500.201 Licensee

EMERGENCY

- a) No person shall act as a distributor, supplier, or receiver or bulk-user in Illinois without first applying for and obtaining a license from the Department. The application shall be signed and verified by the applicant, and shall contain information required by the Department. In the case of corporate applicants, the application shall be signed by a corporate officer or officers. An applicant shall also file with the Department a bond on a form to be approved by and with a surety or sureties satisfactory to the Department.
- b) A license shall not be granted, nor shall any license be maintained, for any supplier or distributor whose principal place of business

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is in a state other than Illinois, unless such person is licensed for motor fuel distribution in the state in which the principal place of business is located and such person is not in default to that state for any monies due for the sale, distribution, or use of motor fuel. (Section 3, 3a, 3b and 3c of the Act)

- c) A license shall not be issued to any person who fails to file a return, or to pay the tax, penalty or interest for a filed return, or to pay any final assessment of tax, penalty or interest, as required by the Law, or as required by any other tax act administered by the Department. [20 ILCS 2505.39b47]

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 88 0 effective January 1, 2000, for a maximum of 150 days)

Section 500.203 Monthly Returns

EMERGENCY

- a) Distributor, supplier and receiver monthly returns. Monthly Motor Fuel Tax returns of licensed distributors and suppliers must be compiled correctly on forms furnished by the Department and must be filed, accompanied by a remittance for the correct amount of tax due, by the 20th day of the month following the month for which the return is made. Receipt schedules showing monthly receipts of motor fuel must always accompany the monthly return, as well as all other applicable schedules. Receivers subject to the tax imposed by Section 2a of the Law must file returns by the 20th of each calendar month for fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month.

- b) If a distributor's only activities with respect to motor fuel are either:

- 1) production of alcohol in quantities of less than 10,000 proof gallons per year or
- 2) blending alcohol in quantities of less than 10,000 proof gallons per year which such distributor has produced;

He shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Where the distributor has not established one calendar year's record of production, annual production will be projected on the basis of actual production and estimates submitted by the distributor. (Section 5 of the Law)

- c) Bulk-User Annual Return--Persons holding a valid license to act as a bulk user of special fuel shall make an annual return to the Department on forms prescribed by the Department. The return shall itemize the number of invoiced gallons of special fuel purchased, acquired or received during the preceding calendar year. The return shall be due on the 15th day of the fourth month following the end of the calendar year.

- d) Magnetic Schedule Support Data. Beginning October 1, 1994, data

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required by all support schedules for licensed distributors, suppliers, and receivers who are required to file a return must be filed using magnetic media. Schedule support data must be submitted on either 3-1/2" diskette, 5-1/4" floppy disk, or 9" magnetic tape on which is IBM or IBM compatible. Schedules that must be filed on magnetic media include Schedules A, SA, LA, B, SB, LB, GA-1, B, SB, LB, C, SC, LC, D, SD, DA, DB, DC, DD, DP-L, SP-L and LD. Schedules not required to be filed in this manner are Schedules F, M and J. Amended schedules must still be filed on Department forms or approved computer-generated forms. The only exceptions to this requirement are persons who do not possess a computer, who have computers which are not IBM or IBM compatible, or who have ten business transactions or less per month, per schedule type, persons seeking an exemption from these requirements must petition the Department's Motor Fuel Division in writing, explaining the basis for their exemption. All exceptions expire one year from the date they are granted.

- d) When returns are timely filed and paid in full, a supplier, distributor or receiver may take a discount of 2% of the tax collected to reimburse himself for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. This discount is not permitted for motor fuels which are used or consumed by a supplier or distributor in his own vehicles or for any other purpose. The 2% discount, however, shall be applicable only to the amount of payment which accompanies a return that is filed timely in accordance with Sections 2b, 5, or 5a of the Law.

- e) A person whose license to act as a supplier, distributor, receiver or bulk user of motor fuel has been revoked or cancelled shall make a return and payment to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license. Any tax-free inventory remaining at the close of the reporting period must be paid in full.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 88 0 effective January 1, 2000, for a maximum of 150 days)

Section 500.204 Report of Loss of Motor Fuel

EMERGENCY

- a) All licensed suppliers, end distributors, and receivers are required to report immediately all losses of motor fuel sustained by them on account of fire, theft, spillage, spoilage, leakage or any other provable cause when filing the return for the period during which such loss occurred in order that the Department may make such investigation as it may deem necessary.

- b) The mere making of such a report does not assure the allowance of such

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loss as a credit on account of tax liability with respect to such loss, but failure to report such losses promptly may result in the refusal of the Department to allow credit on account of tax liability with respect to such a loss.

- c) Losses of fuel as the result of evaporation or shrinkage due to temperature variations may not exceed one percent of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss reported that is in excess of one percent shall be subject to the tax imposed by Section 2 or Section 2A of the Law and the fee imposed by Section 310 of the Environmental Impact Fee Law. [Section 2b of the Law]

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 88 0 2, effective January 1, 2000, for a maximum of 150 days)

Section 500.205 Daily Gallonage Record

EMERGENCY

Distributors, receivers, bulk users and suppliers are required to maintain an accurate actual, daily record of gallonage in storage facilities. Detailed records of all gallonage delivered into storage facilities must be made available to authorized Department employees and must contain the following information:

- date of delivery;
 - invoice number;
 - manifest/bill of lading number;
 - location of receipt;
 - seller's name and address;
 - fuel type; and
 - pipeline batch number, if delivered by pipeline.
- Carelessness in not keeping such records is frequently the means of building false inventories. The burden is also upon the distributor, supplier, bulk user or receiver to see to it that the valves on bulk plants function properly. This will have a tendency to eliminate substantial losses under various climatic conditions.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 88 0 2, effective January 1, 2000, for a maximum of 150 days)

Section 500.206 Special Fuel Sold or Used for Non-Highway Purposes

EMERGENCY

- a) All special fuel sold or used for non-highway purposes must contain only the dye Solvent Red 164 at a concentration spectrally equivalent to at least 3.9 pounds of the solid dye standard Solvent Red 26 per thousand barrels of special fuel except kerosene-type jet fuel sold for the propulsion of any aircraft. The dye must be added prior to

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removal from a terminal rack. The Department may also require all special fuel sold for non-highway use to have a marker added. [Section 4d of the Law]

- A legible and conspicuous notice stating "Dyed Diesel Fuel, Non-taxable Use Only, Penalty For Taxable Use" must appear on all shipping papers (including delivery tickets or manifests and excluding material safety data sheets), bills of lading, and invoices accompanying any sale of dyed diesel fuel. [Section 4e of the Law]
- A legible and conspicuous notice stating "Dyed Diesel Fuel, Non-taxable Use Only" must appear on all containers, storage tanks, or facilities used to store or distribute dyed diesel fuel. [Section 4f of the Law]

(Source: Added by emergency rulemaking at 24 Ill. Reg. 88 0 2, effective January 1, 2000, for a maximum of 150 days)

Section 500.210 Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers

EMERGENCY

- Sales of motor fuel made to licensed distributors or suppliers or bulk users--holding--a--valid--tax-free--permit. A specific notation of the nature of the exemption must be made on the invoice for these sales. Also, the seller must retain the invoice number and date, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination, purchaser's license number, and invoiced gallons sold. In addition, when special fuel is sold under this exemption--the seller must obtain from the purchaser a completed IRP-648 form.

- Sales of motor fuel delivered to points outside Illinois. The seller must retain the invoice date and number, name of carrier, bill of lading/manifest number, purchaser's name and address, Illinois origin, destination location, and invoiced gallons.

- Sales of motor fuel to the Federal government or its instrumentalities. The seller shall retain the invoice number and date, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination, and invoiced gallons--and official forms of exemption--certificates--furnished--by the Federal government.

- Sales of motor fuel to a municipal corporation owning and operating a local transportation system for public service in Illinois. The seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination and invoiced gallons. In addition, the seller shall include with his return a Certificate of Exemption, in the form required by Section 500.280 of this Part, for each such sale.

- Sales of motor fuel to a privately owned public utility owning and

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operating 2-axis vehicles designed and used for transporting more than 7 passengers, for the operation of vehicles which are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or any group of municipalities or in a close radius thereof, and any operations of which are subject to the regulations of the Illinois Commerce Commission. The seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination and invoiced gallons. In addition, the seller shall include with his return a certificate of exemption, in the form required by Section 500.285 of this Part, for each such sale.

f) Sales of gasoline for aviation purposes. A Seller shall retain the invoice date and number, name of carrier, bill of lading/manifest number, name of purchaser, Illinois origin, Illinois destination, and invoiced gallons. He must also include a "Certificate of Gas Sold For Propulsion of Aircraft" with his return to document this type of exemption.

g) Sales of special fuel sold for non-highway purposes. A specific notation of the nature of the exemption must be made on the invoice for these sales. The seller must retain the invoice number and date, name of carrier, bill of lading/manifest number, name and address of purchaser, Illinois origin, Illinois destination, and invoiced gallons sold. A legible and conspicuous notice stating "Dyed Diesel Fuel, Non-taxable Use Only, Penalty For Taxable Use" must appear on all shipping papers (including delivery tickets or manifests and excluding material safety data sheets), bills of lading, and invoices accompanying any sale of dyed diesel fuel.

h) Sales to qualified users. Documentation for sales to qualified users falls into two categories, which are described below:

i) Sales of special fuel to persons using the fuel exclusively for non-highway purposes. Who do not own, lease or control any tax-free bulk storage facilities or who do not own, operate or control any diesel-powered licensed highway equipment. Sellers making these types of exempt sales must make a notation on the invoice or sales slip regarding the exempt nature of the sale and must retain the purchaser's name and address, the use for which the fuel is sold, and the total monthly gallons in addition, the seller must retain a valid IFR-648 for each customer.

j) Sales of special fuel to persons who have no licensed diesel highway equipment but who do have self-propelled highway construction or maintenance equipment which will be used in a dual capacity for both improving and maintaining or repairing highways and propelling the equipment on road-to-job sites. Sellers may accept a percentage certificate from the purchaser specifying the amount of special fuel that may be

purchased tax-free. Sellers must retain the purchaser's name and address, the percentage exemption and reason for partial exemption, and total monthly gallons in addition, the seller must retain a valid IFR-648 for each customer.

h) Sales of 1-K kerosene delivered into a storage tank located at a facility that has withdrawal facilities which are readily accessible to, and are capable of dispensing 1-K kerosene into the fuel supply tanks of, motor vehicles are normally taxable. However, sales may be made tax-free when the seller obtains supporting documentation affirming that the 1-K kerosene will not be sold or used in highway vehicles. The seller must obtain a valid IFR-648 for each customer for these exempt sales.

i) The IFR-648, which is used to document exempt sales of special fuel and which is required to be retained by the seller, must be renewed at least every three years. An IFR-648 shall remain valid for 3 years or until the purchaser's license is revoked or cancelled. A customer may also revoke the IFR-648 by advising both the seller and the Department in writing.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 88.1, effective January 1, 2000, for a maximum of 150 days)

Section 500.230 Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers

EMERGENCY

a) Distributors are required to pay the tax on all motor fuel (of the type they are required by the second paragraph of Section 5 of the Motor Fuel Tax Law to report to the Department when filing a return), except dyed diesel fuel used by such distributors for non-highway purposes, used or consumed by them, whether for taxable or nontaxable purposes, a claim for credit or refund may thereafter be filed as provided by the Motor Fuel Tax Law and on the form prescribed by the Department for that purpose.

b) Suppliers are required to pay the tax on all special fuel, except dyed diesel fuel, used by such suppliers for non-highway purposes, used or consumed by them, whether for taxable or nontaxable purposes. If the special fuel is consumed for statutory nontaxable purposes, a claim for credit or refund may thereafter be filed as provided by the Motor Fuel Tax Law and on the form prescribed by the Department for that purpose.

c) Receivers are required to pay tax on all fuel, as defined by Section 1.19 of the Motor Fuel Tax Law, used or consumed by them.

d) In addition to the daily gallonage requirements of Section 500.205, distributors, suppliers, receivers, and bulk users are required to keep detailed records of all motor fuel and fuel withdrawn from storage facilities for highway and nonhighway use by the distributor,

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supplier, receiver and bulk user. This information must contain the following information:

- 1) Date of withdrawal.
- 2) Number of gallons by fuel type.
- 3) Description of vehicle or equipment into which the fuel or motor fuel was delivered.
- 4) Unit number, license plate number, or vehicle identification number (VIN) of the vehicle or equipment.
- 5) Detailed description of the purpose for which the fuel or motor fuel was used.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 88 1, effective January 1, 2000, for a maximum of 150 days)

Section 500.235 Claims for Refund - Invoices EMERGENCY

- a) Claims for the refund of Motor Fuel Tax imposed by Section 2 of the Law, by persons other than a distributor or supplier, shall be made to the Department of Revenue, duly verified by the claimant, upon forms prescribed by the Department. The Department of Revenue will not approve claims for refund of Motor Fuel Tax unless such claims can be directly supported by invoices, sales slips, statements of account, or monthly statements (herein referred to as "purchase documentation"). Reproductions may be submitted in lieu of originals, provided they are legible. However, the Department may require original purchase documentation to verify purchases. Purchase documentation may be electronically generated by the claimant's fuel supplier. Electronically generated purchase documentation shall meet all applicable electronic storage requirements of Sections 130.805 and 130.820 of the Retailers' Occupation Tax regulations (86 Ill. Adm. Code 130). Manifests will not be treated as purchase documentation.
- b) All purchase documentation must contain the following information:

- 1) Date of delivery;
 - 2) name and address of purchaser (which must be the name of the claimant);
 - 3) name and address of seller;
 - 4) number of gallons purchased and price per gallon;
 - 5) Illinois Motor Fuel tax as separate item if the purchase documentation is from other than a retail outlet; and
 - 6) receipt of payment. (Only paid purchase documentation is acceptable in connection with claims for refund.) Refunds will only be issued when payment of tax is exactly correlated to the purchase documentation for which the claim is being filed.
- c) Claimants must retain purchase documentation in conjunction with claims based upon motor fuel used for a nontaxable purpose. In making a claim, claimants must show total purchases, deducting the gallonage used upon public highways or waters, the difference being the net

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amount upon which the claim is based. Claimants must retain among their books and records documentation of all purchases, payments, bulk storage withdrawals and proof of usage for a period equivalent to that during which an assessment can be issued under the Law, from the date of issuance of the claim or refund. This information must be made available to Department employees upon request. Failure to keep or provide such records will result in denial of claims and recovery of any claims paid. In addition, the Department may recover any claims erroneously paid.

d) Where the claimant has lost purchase documentation through inadvertence or an act of God, the Department will permit the claimant to submit an affidavit in lieu of such purchase documentation in support of the claim, if the affidavit contains the same information which the purchase documentation was required to contain, plus a statement of facts explaining the loss of the purchase documentation and justifying the substitution of an affidavit for the purchase documentation.

- e) Claims for full reimbursement of tax paid on motor fuel must be filed not later than one year after the date on which the tax was paid by the claimant. If, however, a claim for such reimbursement otherwise meeting the requirements of the Act is filed more than one year but less than 2 years after that date, the claimant shall be reimbursed at the rate of 80% of the amount to which he would have been entitled if his claim had been timely filed.
- f) Claims accompanied by purchase documentation which demonstrate evidence of change of name, date or gallonage or other evidence of fraud, or which is illegible, will be disallowed in their entirety.
- g) Any person who purchases motor fuel in Illinois and uses that motor fuel in another state and that other state imposes a tax on the use of such motor fuel shall be reimbursed and repaid the amount of Illinois tax paid on the motor fuel used in such other state. Reimbursement and repayment shall be made by the Department upon receipt of adequate proof of taxes paid to another state and the amount of motor fuel used in that state. Evidence supporting the claim must include both a copy of the tax return filed with such other state and a copy of the cancelled check or a receipt acknowledging payment of the tax due on said tax return.
- h) Claims for refunds for the motor fuel tax imposed by Section 2 of the Law approved by the Department shall be paid within 90 days after receipt of a complete and correct application for such a refund. If refunds are paid after the expiration of the 90 day period, the Department shall also pay from the Motor Fuel Tax Fund to the taxpayer interest at the rate and in the manner set by the Uniform Penalty and Interest Act (35 ILCS 505/15.1).
- i) No claim based upon the use of undyed diesel fuel shall be allowed except for undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-11.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the

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public highways. Claims shall be limited to commercial vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways. (Section 13 of the law) Such claims must be based upon actual consumption of undyed diesel fuel. The following are identified uses subject to refund and are the maximum amounts of undyed diesel fuel that may be claimed for refund by commercial vehicles operating in such a dual capacity.

Use

Maximum

Application of dry fertilizer, liquid fertilizer, pesticides, or herbicides by a commercial vehicle that is either licensed for highway use or is not required to be licensed under Section 3-809(c) of the Illinois Vehicle Code and is designed or adapted and used for the bulk spreading of agricultural chemicals

Limestone .20 gallon per ton applied
Phosphate 1 gallon per ton applied
Dry fertilizer 2 gallons per ton applied
Liquid mixed fertilizer 1 gallon per ton applied
Liquid nitrate fertilizer 1 gallon per ton applied
Anhydrous ammonia 2 gallons per acre of application
NH(3) liquid/dry fertilizer 1 gallon per acre of application
Pesticides/herbicides .13 gallon per acre of application

Commercial vehicles utilizing power take-off equipment (including concrete mixing vehicles and solid waste compacting vehicles)

Delivery of fuel by a commercial vehicle that is licensed for highway use and is designed or adapted and used for the bulk delivery of fuel

3/4 gallon per 1,000 gallons pumped

Commercial vehicle with permanently mounted refrigeration units that refrigerate cargo and have a dedicated fuel supply system separate from the commercial vehicle's fuel supply tank

100% of the fuel consumed by the refrigeration units

Custom work maintenance by commercial vehicles

Moboard plowing 8 gallons per acre
Chisel plowing 6 gallons per acre
Discing 3 gallons per acre
Chopping stalks 3 gallons per acre
Pasture reseeding 3 gallons per acre

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Bluegrass sowing 3 gallons per acre
Combining 5 gallons per acre
Bushhogging 5 gallons per acre
Planting 2 gallons per acre
Replanting 2 gallons per acre
Mowing 1 gallon per acre

Cultivation maintenance by commercial vehicles

Corn 12 gallons per acre cultivated

Soybeans 10 gallons per acre cultivated
Small grain 3 gallons per acre cultivated

Hay 10 gallons per acre cultivated
Corn silage 20 gallons per acre cultivated

Livestock maintenance by commercial vehicles

Swine .3 gallon per animal raised to market

Sheep .45 gallon per animal raised to market

Beef cattle 1.3 gallons per animal raised to market

Dairy cattle 1 gallon per animal raised to market

Poultry .054 gallon per bird raised to market

A claimant who has a commercial vehicle that is operated for both highway purposes and any purposes other than operating such vehicles upon the public highways that is not included in the above table shall submit a specific study that has been conducted by such claimant and approved by the Department prior to submission of the claim. The above amounts are the maximum amounts allowed unless the claimant submits a specific study conducted by the claimant and approved by the Department for claims in excess of these amounts. Such approved studies shall be valid for 2 years from the date of approval.

1) No other usage or claims based upon the use of undyed diesel fuel shall be allowed except for undyed diesel fuel used by unlicensed commercial vehicles operating exclusively on private property. Such claims are subject to a maximum of 100% of the fuel consumed by such commercial vehicles.

k) The Department will approve claims for refund of undyed diesel fuel only when such claims are based upon a showing that such undyed diesel fuel was used for a nontaxable purpose, and that the part for which refund is claimed can, as a practical matter, be calculated and itemized. When such claims are estimated or calculated, they must be supported by verifiable documentation retained in the claimant's books

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and records. Only claims which can be supported by proof of the amount of undyed diesel fuel not used for a taxable purpose will be approved.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 88.0, effective January 1, 2000, for a maximum of 150 days)

Section 500.265 Distributors' and Suppliers' Claims for Credit or Refund EMERGENCY

- a) Filing of Claims. Any distributor or supplier who shall have paid Motor Fuel Tax upon motor fuel used by such distributor or supplier for any purpose other than operating a motor vehicle upon the public highways or waters, may file a claim for credit or refund to recover the amount so paid. Such claims shall be filed on forms prescribed by the Department. Such claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant shall have died or become a person under legal disability). The claim shall state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary and shall state when the nontaxable use occurred and shall specify the purpose for which such motor fuel was used by the claimant, together with such other information as the Department may reasonably require. Claims for credit or refund for tax paid on motor fuel purchased on or after July 1, 1965, must be filed not later than one year after the date on which tax was paid by the claimant. In case the distributor or supplier requests and the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as amount appropriated would permit. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department shall provide for the payment of refunds in hardship cases as provided in 86 Ill. Adm. Code 130.1510. No claim based upon the use of undyed diesel fuel shall be allowed except for undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways. Claims shall be limited to commercial vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways. (Section 13 of the law) Such claims must be based upon actual consumption of undyed diesel fuel. The following are identified uses subject to refund and are the maximum amounts of undyed diesel fuel that may be claimed for refund by commercial vehicles operating in such a dual capacity.

Use Maximum

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Application of dry fertilizer, liquid fertilizer, pesticides, or herbicides by a commercial vehicle that is either licensed for highway use or is not required to be licensed under Section 3-809(c) of the Illinois Vehicle Code and is designed or adapted and used for the bulk spreading of agricultural chemicals

Limestone .20 gallon per ton applied
Phosphate 1 gallon per ton applied
Dry fertilizer 2 gallons per ton applied
Liquid mixed fertilizer 1 gallon per ton applied
Liquid nitrate fertilizer 1 gallon per ton applied
Anyhydrous ammonia 2 gallons per acre of application
NH₃ liquid/dry fertilizer 1 gallon per acre of application
Pesticides/herbicides .13 gallon per acre of application

25% of the fuel consumed

Commercial vehicles utilizing power take-off equipment (including concrete mixing vehicles and solid waste compacting vehicles)

Delivery of fuel by a commercial vehicle that is licensed for highway use and is designed or adapted and used for the bulk delivery of fuel

3/4 gallon per 1,000 gallons pumped

100% of the fuel consumed by the refrigeration units

Commercial vehicle with permanently mounted refrigeration units that refrigerate cargo and have a dedicated fuel supply system separate from the commercial vehicle's fuel supply tank

Custom work maintenance by commercial vehicles

Mooboard plowing 8 gallons per acre

Chisel plowing 6 gallons per acre

Discing 3 gallons per acre

Chopping stalks 3 gallons per acre

Pasture reseeding 3 gallons per acre

Bluegrass sowing 3 gallons per acre

Combining 5 gallons per acre

Bushhogging 5 gallons per acre

Planting 2 gallons per acre

Replanting 2 gallons per acre

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

<u>Cultivation maintenance by commercial vehicles</u>			
<u>Moving 1 gallon per acre</u>			
<u>Corn 12 gallons per acre</u>			
<u>cultivated</u>			
<u>Soybeans 10 gallons per acre</u>			
<u>cultivated</u>			
<u>Small grain 3 gallons per acre</u>			
<u>cultivated</u>			
<u>Hay 10 gallons per acre</u>			
<u>cultivated</u>			
<u>Corn silage 20 gallons per acre cultivated</u>			
<u>Livestock maintenance by commercial vehicles</u>			
<u>Swine .3 gallon per animal raised to market</u>			
<u>Sheep .45 gallon per animal raised to market</u>			
<u>Beef cattle 1.3 gallons per animal raised to market</u>			
<u>Dairy cattle 1 gallon per animal raised to market</u>			
<u>Poultry .054 gallon per bird raised to market</u>			

A claimant who has a commercial vehicle that is operated for both highway purposes and any purpose other than operating such vehicles upon the public highways that is not included in the above table shall submit a specific study that has been conducted by such claimant and approved by the Department prior to submission of the claim. The above amounts are the maximum amounts allowed unless the claimant submits a specific study conducted by the claimant and approved by the Department for claims in excess of these amounts. Such approved studies shall be valid for 2 years from the date of approval.

No other usage or claims based upon the use of undyed diesel fuel shall be allowed except for undyed diesel fuel used by unlicensed commercial vehicles operating exclusively on private property. Such claims are subject to a maximum of 100% of the fuel consumed by such commercial vehicles.

The Department will approve claims for refund of undyed diesel fuel only when such claims are based upon a showing that such undyed diesel fuel was used for a nontaxable purpose, and that the part for which refund is claimed can, as a practical matter, be calculated and itemized. When such claims are estimated or calculated, they must be supported by verifiable documentation retained in the claimant's books and records. Only claims which can be supported by proof of the amount of undyed diesel fuel not used for a taxable purpose will be approved.

b) Issuance of Credit Memoranda - Use Thereof to Satisfy Prior Rights of

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

Department. The Department may make such investigation of the correctness of the facts stated in such claims for credit or refund as it deems necessary. When the Department approves a claim for credit or refund the Department shall issue a refund or credit memorandum to the distributor or supplier who made the payment for which the refund or credit is being given or, in the event that such distributor's or suppliers shall have died or become incompetent, to such distributor's or supplier's legal representative, as such. The amount of such refund or credit memorandum shall first be credited against any tax due or to become due under the Act from the distributor or supplier who made the payment for which credit has been given. This means that if there is an established or admitted unpaid Motor Fuel Tax liability on the part of the claimant, the amount of the credit or refund will be credited against the tax that is due. If the credit or refund is in an amount less than that of the unpaid liability, the credit or refund shall be applied against such liability. If the amount of the credit or refund exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out such unpaid liability, the Department will issue a new credit memorandum or refund representing the difference between that of the original credit or refund found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum or refund will be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Act. If a proceeding to establish such an unpaid liability is pending, the credit memorandum or refund will be held by the Department until such proceeding is concluded; and if such proceeding results in a determination that Motor Fuel Tax is due from the claimant, the credit memorandum or refund will be applied by the Department, to the extent which may be necessary, in liquidation of such liability, and the balance of the credit memorandum or refund, if any (after cancellation of the credit memorandum or refund applied in liquidation of said liability), will be issued in the form of a new credit memorandum or refund and delivered to the person entitled to receive delivery thereof.

c) Disposition of Credit Memoranda by Holder Thereof

1) Assignment of Credit Memoranda. Credit memoranda may be assigned or transferred only after a request for that purpose is filed with the Department upon forms prescribed and furnished by it, and subject to the following conditions:

- A) That the assignment is made to a person who is licensed as a distributor of motor fuel or a supplier of special fuel under the Law;
- B) That there is no proceeding pending to establish an unpaid Motor Fuel Tax liability against the assignor; and
- C) That there is no established or admitted unpaid Motor Fuel Tax liability against the assignor; provided, that if the amount of the credit memorandum must first be applied, in

DEPARTMENT OF REVENUE

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whole or in part, against an unpaid liability of the claimant-assignor, notice to this effect will be given the claimant-assignor by the Department. If any balance is due such claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, such balance may be assigned upon receipt by the Department of instructions to that effect. If there is no unpaid liability and no proceedings pending to determine a liability as aforesaid, and if the assignee is a licensed distributor of motor fuel, the request for leave to assign will be approved. The original credit memorandum will be cancelled, and a new credit memorandum will be issued to the assignee in the amount shown on the cancelled memorandum. However, before a credit memorandum is issued to the assignee, the amount of such credit will be applied, to the extent that may be necessary, in liquidation of any unpaid Motor Fuel Tax liability of the assignee, and a credit memorandum for the balance, if any, will be issued to the assignee, provided that there is no proceeding pending against the assignee to establish an unpaid Motor Fuel Tax liability against him. If a proceeding to establish such an unpaid liability is pending, the credit memorandum will be held by the Department until such proceeding is concluded; and if such proceeding results in a determination that Motor Fuel Tax is due from the assignee, the credit will be applied by the Department, to the extent which may be necessary in liquidation of such liability, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of said liability), will be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

- 2) Submission of Credit Memoranda With Monthly Returns. Credit memoranda, in the hands either of the original claimant or of his assignee, may be submitted to the Department, along with monthly tax returns, in payment of Motor Fuel Tax due from the holder of such credit memoranda. If, after applying any such credit memorandum against the amount of tax shown to be due by the tax return with which the credit memorandum is submitted, the Department finds that there is a balance of the credit memorandum in favor of the distributor or supplier submitting the credit memorandum, the Department will cancel the credit memorandum that has been submitted and will issue and deliver to such distributor or supplier a new credit memorandum for such balance. This process will be followed until the credit, to which such distributor or supplier is entitled, is exhausted. However, any new credit memorandum, which is issued as provided in this paragraph for a balance of credit due the distributor or supplier

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after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that such prior rights take precedence when a credit memorandum is first issued (see subsection (b) of this Section) or when leave to assign a credit memorandum is requested (see subsection (c)(1) of this Section). Refunds to Distributors and Suppliers. If any distributor or supplier ceases to be licensed as a distributor or supplier while still holding an unused credit memorandum, such distributor or supplier may, at his election (instead of assigning the credit memorandum to another licensed distributor or supplier under the Act), surrender such unused credit memorandum to the Department and receive a refund in lieu thereof.

- e) Claims filed under this Section for overpayment of the Motor Fuel Tax imposed by Section 2 of the Law shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act. [35 ILCS 505/13] Claims made under this Section that are based upon motor fuel used for any purpose other than operating a motor vehicle upon the public highways or waters shall be paid within 90 days after receipt of a complete and correct application for credit. If credits based upon motor fuel used for any purpose other than operating a motor vehicle upon the public highways or waters are issued after expiration of the 90 day period, the Department shall include interest at the rate and in the manner set by the Uniform Penalty and Interest Act. [35 ILCS 505]

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 88 0 3, effective January 1, 2000, for a maximum of 150 days)

Section 500.297 Protest Procedures for Certain Penalties

EMERGENCY

- a) Any person aggrieved by any action of the Department under item 13, 14, 15, or 16 of Section 15 of the Motor Fuel Tax Law may protest the action by making a written request for a hearing within 60 days after the original action.
- b) Hearings that have been timely requested will be scheduled by the Department. The Department will provide written notice of the date, time, and place of the hearing at least 20 days prior to the hearing date.
- c) Hearings shall be conducted in accordance with the provisions of the Illinois Administrative Procedure Act [5 ILCS 100] and regulations promulgated thereunder found at 86 Ill. Adm. Code 200.101 through 200.225.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 88 0 3, effective January 1, 2000, for a maximum of 150 days)

ILLINOIS COMMERCE COMMISSION

JANUARY 2000 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Standard Filing Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunication Carriers in Filing for an Increase in Rates, 83 Ill. Adm. Code 285

1) Rulemaking:

- A) Description: This rulemaking proceeding is examining the required data that must be filed with the Commission when any of the subject entities files a general rate increase. This material is reviewed by Commission staff in preparation of the rate case.

- B) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201 and 10-101]

- C) Scheduled meeting/hearing dates: Persons interested in participating in the proceeding should file a petition to intervene in docket 93-0351.

- D) Date agency anticipates First Notice: Undetermined

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject utilities or local exchange carriers that are also small businesses.

F) Agency contact person for information:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
217/782-7434

- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Standard of Conduct and Functional Separation, 83 Ill. Adm. Code 452

1) Rulemaking:

- A) Description: Section 16-119(a) of the Public Utilities Act requires the Commission to open a rulemaking to implement competition-fostering aspects of the amendments to the Public Utilities Act in P.A. 90-561. The rules will establish standards of conduct for public utilities in the generation and distribution aspects of the industry. Section 16-119(b) of the

ILLINOIS COMMERCE COMMISSION

JANUARY 2000 REGULATORY AGENDA

Public Utilities Act gives the Commission the authority to investigate the need for, and adopt rules requiring, functional separation between the generation services and the delivery services of those electric utilities whose principal service area is in Illinois as necessary to meet the objective of creating efficient competition between suppliers of generating services and sellers of such services at retail and wholesale.

The subject matter of this subsection is intertwined with the subject matter of subsection (a).

- B) Statutory Authority: Implementing and authorized by Section 16-119A of the Public Utilities Act [220 ILCS 5/16-119A]

- C) Scheduled meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in dockets 98-0147 and 98-0148, consolidated.

- D) Date agency anticipates First Notice: Undetermined

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject utilities or alternative retail electric suppliers that are also small businesses.

F) Agency contact person for information:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
217/782-7434

- G) Related rulemakings and other pertinent information: None

- c) Part (Heading and Code Citation): Certification of Alternative Retail Electric Suppliers, 83 Ill. Adm. Code 451

1) Rulemaking:

- A) Description: This rulemaking will amend the current rules.

- B) Statutory Authority: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115]

- C) Scheduled meeting/hearing date: Persons interested in participating in this proceeding should file a petition to

ILLINOIS COMMERCE COMMISSION

JANUARY 2000 REGULATORY AGENDA

intervene in Docket 99-0614.

D) Date agency anticipates First Notice: Undetermined

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any prospective or current alternative retail electric supplier that is also a small business.

F) Agency contact person for information:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
217/782-7434

G) Related rulemaking and other pertinent information: None

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2000 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Low-Income Housing Tax Credit Allocation, 47 Ill. Adm. Code 350

1) Rulemaking:

A) Description: Amends rules to bring them into conformity with the Illinois Housing Development Authority's Tax Credit Allocation Plan and Section 42 of the Internal Revenue Code (26 U.S.C., Section 42).

B) Statutory Authority: Sections 3805/7.24 of the Illinois Housing Development Act.

C) Scheduled meeting/hearing date: February 21, 1997

D) Date agency anticipates First Notice: February, 2000.

E) Affect on small businesses, small municipalities or not for Profit corporations: None.

F) Agency contact person for information:

Name: Crystal S. Maher, Esq.
Illinois Housing Development Authority
Address: 401 N. Michigan Ave., Ste. 900
Chicago, IL 60611
Telephone: (312) 836-5200

G) Related rulemakings and other pertinent information: None

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JANUARY 2000 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650.

1) Rulemaking:

A) Description: The Teachers' Retirement System ("System") anticipates amending and adding rules in order to clarify issues concerning compliance with applicable law, including implementation of Qualified Illinois Domestic Relations Order legislation, and administration of the System's payroll deduction program.

B) Statutory Authority: Implementing and authorized by Article 1 and Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].

C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Thomas S. Gray, Assistant General Counsel
Address: Teachers' Retirement System
2815 West Washington, P. O. Box 19253
Springfield, Illinois 62794-9253
Telephone: (217) 753-0375

G) Related rulemakings and other pertinent information: The System has no current rulemaking in progress.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 28, 1999, through January 3, 2000 and have been scheduled for review by the Committee at its January 12, 2000 or February 8, 2000 meetings in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
2/10/00	Department of Public Aid, Child Support Enforcement (89 Ill Adm Code 160)	9/17/99 23 Ill Reg 11407	1/12/00
2/10/00	Department of Public Aid, Practice in Administrative Hearings (89 Ill Adm Code 104)	9/17/99 23 Ill Reg 11410	1/12/00
2/12/00	Department of Public Health, Illinois Health and Hazardous Substances Registry (77 Ill Adm Code 840)	8/13/99 23 Ill Reg 8931	2/8/00
2/12/00	Department of Human Services, Food Stamps (89 Ill Adm Code 121)	10/8/99 23 Ill Reg 12023	2/8/00
2/12/00	Department of Human Services, Food Stamps (89 Ill Adm Code 121)	10/29/99 23 Ill Reg 13186	2/8/00
2/12/00	Department of Human Services, Food Stamps (89 Ill Adm Code 121)	11/5/99 23 Ill Reg 13319	2/8/00

PROCLAMATIONS

99-543

2ND SPECIAL SESSION OF 91ST GENERAL ASSEMBLY CALLED

WHEREAS, on January 1, 1995, Public Act 88-680 entitled "AN ACT to create a Safe Neighborhoods Law" became effective; and

WHEREAS, Public Act 88-680 contained a significant number of criminal offense penalty enhancements, new criminal offenses and juvenile delinquency provisions; and

WHEREAS, on December 2, 1999, the Illinois Supreme Court in *People v. Cervantes*, Docket No. 87229, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and is unconstitutional in its entirety; and

WHEREAS, in the event the Illinois Supreme Court does not grant a rehearing, the provisions of Public Act 88-680 cannot be applied to criminal and juvenile offenses until reenacted into law; and

WHEREAS, it is essential that the provisions of Public Act 88-680 be reenacted before the Illinois General Assembly returns for regular session on January 12, 2000, so that the criminal offenses and enhanced penalties can be applied to criminal acts committed between the effective date of the reenactment and the year 2000 Legislative Session;

THEREFORE, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, I, George H. Ryan, Governor of the State of Illinois, hereby call and convene the 91st General Assembly in Second Special Session to commence on December 6, 1999, at 6:00 p.m., to consider only the reenactment of provisions contained in Public Act 88-680 (as subsequently amended). Such reenactment may include any amendatory changes necessary to maintain the penalty on a first offense of 720 ILCS 24-1 (a)(4) and (a)(10) as a felony but which allows the court additional discretion in sentencing certain first-time offenders. Such Special Session shall be limited to the consideration of Senate Bill 224 now pending before the General Assembly.

Issued by the Governor December 16, 1999.

Filed by the Secretary of State December 16, 1999.

99-544

3RD SPECIAL SESSION OF 91ST GENERAL ASSEMBLY CALLED

WHEREAS, on January 1, 1995, Public Act 88-680 entitled "AN ACT to create a Safe Neighborhoods Law" became effective; and

WHEREAS, Public Act 88-680 contained a significant number of criminal offense penalty enhancements, new criminal offenses and juvenile delinquency provisions; and

WHEREAS, on December 2, 1999, the Illinois Supreme Court in *People v. Cervantes*, Docket No. 87229, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and is unconstitutional in its entirety; and

WHEREAS, in the event the Illinois Supreme Court denies the Attorney General's petition for rehearing, the provisions of Public Act 88-680 cannot be applied to criminal and juvenile offenses until reenacted into law; and

WHEREAS, it is essential that the provisions of Public Act 88-680 be reenacted before the Illinois General Assembly returns for regular session on

January 12, 2000, so that the criminal offenses and enhanced penalties can be applied to criminal acts committed between the effective date of the reenactment and the year 2000 Legislative Session;

THEREFORE, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, I, George H. Ryan, Governor of the State of Illinois, hereby call and convene the Illinois State Senate of the 91st General Assembly in Third Special Session to commence on December 29, 1999, at 1:00 p.m., to consider only Senate Bill 224, as amended by House Amendment Number 2.

Issued by the Governor December 23, 1999.

Filed by the Secretary of State December 23, 1999.

99-545

WALLY FURROW DAY

WHEREAS, Wally Furrow has been a state leader in Rural Development for more than 15 years; and

WHEREAS, Mr. Furrow was a member of the task force on the Future of Rural Illinois chaired by then Lieutenant Governor George H. Ryan and Governor Jim Edgar's Rural Affairs Council; and

WHEREAS, Mr. Furrow was one of the first Commissioners of the Illinois Rural Bond Bank and worked on the board of the Illinois Distance Learning Foundation; and

WHEREAS, Mr. Furrow served as USDA's Rural Development State Director for seven years. He also served as a member of the Illinois River Coordinating Council; and

WHEREAS, Mr. Furrow lead the effort to bring the first Rural Empowerment Zone to Southern Illinois. He also assisted the Hamilton County Water Company to secure, safe, clean drinking water for families in the county; and

WHEREAS, Mr. Furrow received the Rural Leadership Award from the Illinois Association of Electric Cooperatives in 1998 and an outstanding service award from the United States Secretary of Agriculture in 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 18, 1999, as WALLY FURROW DAY in Illinois.

Issued by the Governor December 30, 1999.

Filed by the Secretary of State December 30, 1999.

99-546

DECADE OF THE BONE AND JOINT

WHEREAS, one in every seven Americans suffers from a musculoskeletal impairment; and

WHEREAS, musculoskeletal conditions cost approximately \$215 billion per year in the United States due to disability, lost productivity and medical expenses; and

WHEREAS, musculoskeletal impairments are the number one chronic condition reported to doctors and are the leading cause of physical disability and severe long-term pain; and

WHEREAS, musculoskeletal conditions and deformities deprive children of normal development; and

WHEREAS, orthopedic surgeons, rheumatologists, physical therapists and health associations around the world are joining forces to advance understanding and treatment of musculoskeletal disorders through prevention,

education and research;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim the years 2000 to 2010 as the DECADE OF THE BONE AND JOINT in Illinois.

Issued by the Governor December 14, 1999.

Filed by the Secretary of State December 30, 1999.

99-547

ILLINOIS ASSOCIATION OF MEDICAL STAFF SERVICES WEEK

WHEREAS, in 1981, medical staff service professionals throughout the state founded the Illinois Association of Medical Staff Services (IAMSS), an affiliate of the National Association of Medical Staff Services; and

WHEREAS, their objectives in forming the organization were to provide professional and personal development, networking opportunities, communication resources, career advancement, and education for medical staff professionals; and

WHEREAS, IAMSS boasts a membership from hospitals in Illinois, managed care of statewide organizations, and physician office practices. IAMSS continues to promote the goals and objectives of their founding members; and

WHEREAS, a medical staff services professional is defined as an individual who coordinates medical staff activities and is primarily involved in supporting the accreditation status of the healthcare facility, or who provides consulting services and/or educational programs for healthcare providers related to the medical staff services;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 16-22, 2000, as ILLINOIS ASSOCIATION OF MEDICAL STAFF SERVICES WEEK in Illinois.

Issued by the Governor December 22, 1999.

Filed by the Secretary of State December 30, 1999.

99-548

ONE DAY IN PEACE

WHEREAS, peace begins when citizens respect themselves, each other and the world around them; and

WHEREAS, every citizen can make an effort to work with their families, friends and neighbors to create a peaceful community; and

WHEREAS, it is every citizen's duty to lessen violence by pulling together for a common goal;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 1, 2000, as ONE DAY IN PEACE in Illinois.

Issued by the Governor December 22, 1999.

Filed by the Secretary of State December 30, 1999.

99-549

WELDING MONTH

WHEREAS, welding is a profession requiring considerable training and specialized study; and

WHEREAS, the application of that training and specialized study is critical to the general well-being of the country and calls for a constant stream of operators, designers, inspectors, engineers, teachers and scientists from our

schools and universities; and

WHEREAS, the American Welding Society (AWS), founded in 1919, is celebrating more than 80 years of service with over 50,000 members worldwide to advance the science, technology and application of welding through section activities, educational programs, conferences, technical publications, certifications, scholarships, research grants and an annual convention; and

WHEREAS, this year the AWS International Welding and Fabricating Exposition and 81st Annual Convention will be held April 25-28 at McCormick Place in Chicago;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2000 as WELDING MONTH in Illinois.

Issued by the Governor December 22, 1999.

Filed by the Secretary of State December 30, 1999.

99-550

CHICAGO MUSIC AWARDS DAY

WHEREAS, the Annual Chicago Music Awards will dedicate its first ceremony of the new Millennium to the memories of the founder of Chicago, Jean Baptiste Point DuSable; and

WHEREAS, the Chicago Music Awards have been the organ that expressly honors Chicago and Illinois entertainers in all music categories, such as Pop, Rock, Blues, Jazz, Gospel, Country and Western, Comedy, Opera, Classical, Polka, Rhythm and Blues, Movie Soundtrack, Kids, Reggae and other World Beat Music; and

WHEREAS, on February 5, 2000, Martin's Inter-Culture, in association with several sponsors, will hold the 19th Annual Chicago Music Awards at the Oriental Theatre/Ford Center for the Performing Arts, 24 West Randolph, Chicago, Illinois; and

WHEREAS, the Music Awards were founded in 1981 by Ephraim M. Martin, a journalist and native of Jamaica, to honor and promote reggae and other world-beat music, arts and cultures; and

WHEREAS, the Awards Ceremony encourages high standards of performance, conduct and professionalism and also exhibits the wealth of talents Illinois has to offer; and

WHEREAS, Illinois' sons and daughters, Jerry Butler, Chaka Khan, William Warfield, Lou Rawls, Frank Pisani, the Barrett Sisters and the Mighty Delis, will be given Lifetime Achievement Awards for their contributions to the music industry;

WHEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 5, 2000, as CHICAGO MUSIC AWARDS DAY in Illinois.

Issued by the Governor December 28, 1999.

Filed by the Secretary of State December 30, 1999.

99-551

ILLINOIS HIGH SCHOOL THEATRE FESTIVAL DAYS

WHEREAS, the Illinois Theatre Association with sanctioning by the Illinois State Board of Education is producing the 25th annual Illinois High School Theatre Festival entitled Diversity in the Millennium; and

WHEREAS, the Illinois High School Theatre Festival (IHSTF) is the largest high school festival in the United States with 3,500 students and faculty

gathering to learning about teaching and participating in theater; and
 WHEREAS, the IHSTP provides an excellent experience for theatre students and
 teachers in Illinois. This year's festival will include opportunities to
 participate in workshops, performances and auditions; and
 WHEREAS, the IHSTP will be held at Illinois State University in Bloomington,
 from the 6th to the 8th of January;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
 January 6-8, 2000, as ILLINOIS HIGH SCHOOL THEATRE FESTIVAL DAYS in Illinois.

Issued by the Governor December 28, 1999.

Filed by the Secretary of State December 30, 1999.

99-552

KEN SMITH DAY

WHEREAS, Kenneth M. Smith was born on October 19, 1950, in New York City,
 New York; and

WHEREAS, Ken received a Bachelor of Arts in Political Science from the
 University of St. Thomas in St. Paul, Minnesota, a degree in International
 Studies from Cambridge University, Cambridge, Great Britain, and a Masters in
 Business Administration from Lake Forest Graduate School of Management, Lake
 Forest, Illinois; and

WHEREAS, for over 30 years, Ken Smith has worked in and managed numerous
 types and sizes of properties; and

WHEREAS, he has proven to be a leader among his peers and has been able to
 deliver both quality and profit results; and

WHEREAS, Ken has been very active in a number of professional and charitable
 organizations, including the Little City Foundation, Canine Companies for
 Independence, and the Watch of Dimes; and

WHEREAS, with the recent appointment to the position of Senior Vice
 President - Eastern Region for Hilton Hotels Corporation, Ken will be departing
 Chicago and the Hilton Chicago and Towers for Memphis, Tennessee, and will
 oversee the operations of over 75 properties in the Eastern Region of the
 United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
 January 6, 2000, as KEN SMITH DAY in Illinois.

Issued by the Governor December 28, 1999.

Filed by the Secretary of State December 30, 1999.

Rules acted upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Problem number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "P" designates rules that should be repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or judith@cgstate.us (Internet address).

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ILLINOIS REGISTER
CUMULATIVE INDEX

JAN 14 2000

ILLINOIS REGISTER
CUMULATIVE INDEX

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A - Adopted Rule	P - Proposed Rule	
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*	
	PP - Peremptory or Court Ordered Rules	
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ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 762-7017.

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 99-421 Bruce F. Clay Day 12778
 99-422 Greer's Residential Center Day 12779
 99-423 Greg Josefowicz Day 12779
 99-424 Jack W. Cover Homecoming Day 1280
 99-425 Make a Difference Day 1280
 99-426 Minority Enterprise Development Week 1280
 99-427 Shulamit Ran Day 1281
 99-428 Pilsen YMCA Day 1281
 99-429 The Partnership for Family Involvement In Education: Get Involved Month 1281
 99-430 Volunteer Blood Donor Month 1282
 99-431 Radiologic Technologists Week 1283
 99-432 Y-Wee East Cancer 1283
 99-433 Chiropractic Health Care Month 1283
 99-434 Association of New Early Entrepreneur Wonders Days 1284
 99-435 Partners Home Care Day 1284
 99-436 East St. Louis Chapter of the NAACP Day 1284
 99-437 Mother's of Multiples Week 1284
 99-437 Mother's of Multiples Week 1284

99-438 Single Parents Day
99-439 Young Reader's Day
99-440 Illinois River System Management Month
99-441 Order of the Eastern Star Day
99-442 AITP Week
99-443 Harold A. "Pete" Vonachen Day
99-444 Saints Peter and Paul Ukrainian Orthodox Church Day
99-445 Adult Immunization Awareness Week
99-446 Cooperative Month
99-447 Retired Teachers' Day
99-448 Change the World of a Child Week
99-449 GFWC Illinois Junior Women's Club Week
99-450 Latex Allergy Awareness Week
99-451 Latinos Partnering in Business for the Millennium Day
99-452 Madonna High School Day
99-453 Special Agent Joe Guyton Day
99-454 Earth Science Week
99-455 Guardianship Awareness Month
99-456 Metric Week
99-457 Principals' Week/Principal Appreciation Day
99-458 Dr. Ronald D. Michaelson Day
99-459 Illinois Judicial Council Day
99-460 Eta Phi Beta Day
99-461 Norman Buecker Day
99-462 Off the Street Club Day
99-463 Pediatric Cancer Awareness Month
99-464 Whole Life Expo Days
99-465 World Food Day
99-466 Country Music Day
99-467 LaSalle Banks of Chicago Marathon Week
99-468 One Church One School Day
99-469 Ora Higgins' Youth Foundation Day
99-470 Safe Schools Week
99-471 Dave Feldman Day
99-472 Economic and Entrepreneurship Education Week
99-473 Futures and Options Week
99-474 Licensed Environmental Health Practitioners Month
99-475 Slovenian Day
99-476 Donna Vonachen Day
99-477 Johnnie Coleman Academy Day
99-478 Reflex Sympathetic Dystrophy Syndrome Awareness Month
99-479 Christian Heritage Week
99-480 Lansing Chamber of Commerce Day
99-481 Older Workers' Day
99-482 Pancreatic Cancer Awareness Month
99-483 Coast Guard Recognition Day
99-484 Belores Jordan Day

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99-485 Leonard W. Sapp Day
99-486 Chicago Child Care Society Day
99-487 Career Development Month
99-488 Don Hakes Day
99-489 Family and Consumer Sciences Week
99-490 Hispanocare Day
99-491 Star Detective Day
99-492 VII International Hispanic Media Conference Days
99-493 High Tech Week
99-494 Chicago Chapter of Asian American Journalists Association Day
99-495 French Week
99-496 Joe Newton Day
99-497 Monarch Awards Foundation Day
99-498 Paralegal Day
99-499 Respite Awareness Day
99-500 Snugg Hugs for Kids Days
99-501 Broader Urban Involvement and Leadership Development Day
99-502 Illinois Planning Council on Development Disabilities Day
99-503 Joel G. Heiler Day
99-504 Merc Dr. Martin Luther King Jr. Week
99-505 Northminster, Presbyterian Church Sequicentennial Week
99-506 Drunk and Drugged Driving Prevention Month

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TITLE 35 (cont'd)	885,220	n	(P-1070908; A-467)	120,1100	am	(P-678698; A-162)	500,910	n	(P-12845)	600,209	r	(P-3246; A-12453)
	885,223	n	(P-1070908; A-467)	120,1260	am	(P-678698; A-162)	500,920	n	(P-12845)	600,210	r	(P-3246; A-12453)
	885,225	n	(P-1070908; A-467)	120,Ap.A	n	(P-678698; A-162)	500,920	n	(P-12845)	600,211	r	(P-3246; A-12453)
	885,230	n	(P-1070908; A-467)	Ex.A	n	(P-678698; A-162)	500,1000	n	(P-12845)	600,212	r	(P-3246; A-12453)
	885,235	n	(P-1070908; A-467)	Ex.B	n	(P-678698; A-162)	500,1010	n	(P-12845)	600,213	r	(P-3246; A-12453)
	885,240	n	(P-1070908; A-467)	200,10	am	(P-678698; A-162)	500,1020	n	(P-12845)	600,214	r	(P-3246; A-12453)
	885,245	n	(P-1070908; A-467)				500,1030	n	(P-12845)	600,215	r	(P-3246; A-12453)
	885,250	n	(P-1070908; A-467)				500,1040	n	(P-12845)	600,201	r	(P-3246; A-12453)
	885,255	n	(P-1070908; A-467)				500,1050	n	(P-12845)	600,302	r	(P-3246; A-12453)
	885,260	n	(P-1070908; A-467)				500,1060	n	(P-12845)	600,304	r	(P-3246; A-12453)
TITLE 44	1,040	am	(P-12351(E-2812))	1,040	am	(P-1762)	500,1100	n	(P-12845)	600,304	r	(P-3246; A-12453)
	1,020	am	(P-12351(E-2812))	1,020	am	(P-1762)	500,1110	n	(P-12845)	600,305	r	(P-3246; A-12453)
			(E-866)				500,1120	n	(P-12845)	600,306	r	(P-3246; A-12453)
							500,1130	n	(P-12845)	600,307	r	(P-3246; A-12453)
	500,10	r	(P-12841)	500,10	r	(P-12841)	500,1140	n	(P-12845)	600,401	r	(P-3246; A-12453)
							500,1150	n	(P-12845)	600,402	r	(P-3246; A-12453)
	500,20	r	(P-12841)	500,20	r	(P-12841)	500,1160	n	(P-12845)	600,403	r	(P-3246; A-12453)
							500,1170	n	(P-12845)	600,404	r	(P-3246; A-12453)
	500,30	r	(P-12841)	500,30	r	(P-12841)	500,1180	n	(P-12845)	600,405	r	(P-3246; A-12453)
							500,1190	n	(P-12845)	600,406	r	(P-3246; A-12453)
TITLE 36	500,40	r	(P-12841)	500,40	r	(P-12841)	500,1200	n	(P-12845)	600,407	r	(P-3246; A-12453)
							500,1210	n	(P-12845)	600,501	r	(P-3246; A-12453)
	500,50	r	(P-12841)	500,50	r	(P-12841)	500,1220	n	(P-12845)	600,502	r	(P-3246; A-12453)
							500,1230	n	(P-12845)	600,503	r	(P-3246; A-12453)
	500,60	n	(P-12845)	500,60	n	(P-12845)	500,1240	n	(P-12845)	600,504	r	(P-3246; A-12453)
	500,70	n	(P-12845)	500,70	n	(P-12845)	500,1250	n	(P-12845)	600,505	r	(P-3246; A-12453)
	500,80	n	(P-12845)	500,80	n	(P-12845)	500,1260	n	(P-12845)	600,506	r	(P-3246; A-12453)
	500,90	n	(P-12845)	500,90	n	(P-12845)	500,1270	n	(P-12845)	600,507	r	(P-3246; A-12453)
	500,100	n	(P-12845)	500,100	n	(P-12845)	500,1280	n	(P-12845)	600,508	r	(P-3246; A-12453)
	500,110	n	(P-12845)	500,110	n	(P-12845)	500,1290	n	(P-12845)	600,509	r	(P-3246; A-12453)
TITLE 38	315,410	am	(P-101098; O-1603698; W-345)	315,410	am	(P-101098; O-1603698; W-345)	500,1300	n	(P-12845)	600,510	r	(P-3246; A

Title 44 (cont'd)	P (P-3246; A-12453)	P (P-3085; A-8459)	P (P-3064; A-8445)	P (P-3017; A-8442)	685 610
	P (P-3246; A-12453)	P (P-3085; A-8459)	P (P-3064; A-8445)	P (P-3017; A-8442)	685 615
600 713	P (P-3246; A-12453)	635 50	075 295	P (P-3017; A-8442)	P (P-3017; A-8442)
600 714	P (P-3246; A-12453)	635 60	085 10	P (P-3017; A-8442)	P (P-3017; A-8442)
600 715	P (P-3246; A-12453)	635 70	085 210	P (P-3017; A-8442)	P (P-3017; A-8442)
600 716	P (P-3246; A-12453)	635 80	085 215	P (P-3017; A-8442)	685 625
600 717	P (P-3246; A-12453)	657 10	085 220	P (P-3017; A-8442)	685 630
600 718	P (P-3246; A-12453)	'55 20	085 225	P (P-3017; A-8442)	685 635
600 719	P (P-3246; A-12453)	655 30	085 230	P (P-3017; A-8442)	685 640
600 720	P (P-3246; A-12453)	655 40	085 235	P (P-3017; A-8442)	685 645
600 721	P (P-3246; A-12453)	655 50	085 240	P (P-3017; A-8442)	685 650
600 722	P (P-3246; A-12453)	655 60	085 245	P (P-3017; A-8442)	685 655
600 723	P (P-3246; A-12453)	655 70	085 250	P (P-3017; A-8442)	685 660
600 724	P (P-3246; A-12453)	655 80	085 255	P (P-3017; A-8442)	685 665
600 802	P (P-3246; A-12453)	655 90	085 260	P (P-3017; A-8442)	685 670
600 803	P (P-3246; A-12453)	655 100	085 265	P (P-3017; A-8442)	685 675
600 804	P (P-3246; A-12453)	655 110	085 270	P (P-3017; A-8442)	685 680
600 805	P (P-3246; A-12453)	655 120	085 275	P (P-3017; A-8442)	685 685
600 806	P (P-3246; A-12453)	655 130	085 280	P (P-3017; A-8442)	685 690
600 807	P (P-3246; A-12453)	655 210	085 285	P (P-3017; A-8442)	685 710
600 808	P (P-3246; A-12453)	655 220	085 290	P (P-3017; A-8442)	685 720
600 809	P (P-3246; A-12453)	655 230	085 295	P (P-3017; A-8442)	685 730
600 810	P (P-3246; A-12453)	655 240	085 300	P (P-3017; A-8442)	685 740
600 811	P (P-3246; A-12453)	655 250	085 310	P (P-3017; A-8442)	685 750
600 812	P (P-3246; A-12453)	655 260	085 320	P (P-3017; A-8442)	685 760
600 813	P (P-3246; A-12453)	655 270	085 330	P (P-3017; A-8442)	685 770
600 814	P (P-3246; A-12453)	655 280	085 340	P (P-3017; A-8442)	685 780
600 901	P (P-3246; A-12453)	655 290	085 350	P (P-3017; A-8442)	685 790
600 902	P (P-3246; A-12453)	655 295	085 360	P (P-3017; A-8442)	685 795
600 903	P (P-3246; A-12453)	655 298	085 370	P (P-3017; A-8442)	685 800
600 904	P (P-3246; A-12453)	655 299	085 380	P (P-3017; A-8442)	685 805
600 905	P (P-3246; A-12453)	660 100	085 390	P (P-3017; A-8442)	685 810
600 906	P (P-3246; A-12453)	P-9J-70/98; C-11228/98; O-19667/98; R-20426/98; A-21060/98; P-331	085 410	P (P-3017; A-8442)	685 820
600 907	P (P-3246; A-12453)	675 10	085 420	P (P-3017; A-8442)	685 830
600 908	P (P-3246; A-12453)	675 20	085 430	P (P-3017; A-8442)	685 840
600 909	P (P-3246; A-12453)	675 30	085 440	P (P-3017; A-8442)	685 850
601 100	P (P-14599/98; A-3421)	675 40	085 450	P (P-3017; A-8442)	685 860
610 120	P (P-14599/98; A-3421)	675 50	085 460	P (P-3017; A-8442)	685 870
610 200	P (P-14599/98; A-3421)	675 60	085 470	P (P-3017; A-8442)	685 880
610 300	P (P-14599/98; A-3421)	675 70	085 480	P (P-3017; A-8442)	685 890
610 400	P (P-14599/98; A-3421)	675 80	085 490	P (P-3017; A-8442)	685 900
610 420	P (P-14599/98; A-3421)	675 90	085 500	P (P-3017; A-8442)	685 910
610 440	P (P-14599/98; A-3421)	675 100	085 510	P (P-3017; A-8442)	

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Table 68 (cont'd)			Table 69 (cont'd)		
750,2030	re	(A-1460)	1775,536	am	(P-1493; A-5749)
750,2040	re	(A-1460)	1775,510	am	(P-1493; A-5749)
750,2050	re	(A-1460)	1775,710	am	(P-1493; A-5749)
750,3000	re	(A-1460)	1775,720	am	(P-1493; A-5749)
750,3010	re	(A-1460)	1775,725	am	(P-1493; A-5749)
750,3020	re	(A-1460)	1775,730	am	(P-1493; A-5749)
750,3030	re	(A-1460)	1775,841	n	(P-1493; A-5749)
750,3040	re	(A-1460)	1775,1005	am	(P-1493; A-5749)
750,3050	re	(A-1460)	1775,1010	am	(P-1493; A-5749)
750,3055	re	(A-1460)	1775,1020	am	(P-1493; A-5749)
750,3060	re	(A-1460)	1775,1030	am	(P-1493; A-5749)
750,3070	re	(A-1460)	1775,1035	am	(P-1493; A-5749)
750,4000	re	(A-1460)	1775,1141	n	(P-1493; A-5749)
750,4010	re	(A-1460)	1775,1200	am	(P-1493; A-5749)
750,5000	re	(A-1460)	1775,1300	am	(P-1493; A-5749)
750,5115	re	(A-1460)	1200,50	am	(P-2072698; A-7102)
750,5120	re	(A-1460)	1200,75	am	(P-2072698; A-7102)
750,5025	re	(A-1460)	1200,90	n	(P-2072698; A-7102)
750,5215	re	(A-1460)	1201,25	am	(P-18184)
750,5225	re	(A-1460)	1201,10	am	(P-18184)
750,5235	re	(A-1460)	1220,237	n	(P-1870798; A-7294)
750,5400	re	(A-1460)	1220,160	am	(P-1870798; A-7294)
750,5405	re	(A-1460)	1220,160	am	(P-1870798; A-7294)
750,5410	re	(A-1460)	1220,160	am	(P-1870798; A-7294)
750,5420	re	(A-1460)	1220,155	am	(P-1870798; A-7294)
750,5430	re	(A-1460)	1220,160	am	(P-1870798; A-7294)
750,5440	re	(A-1460)	1220,170	am	(P-1870798; A-7294)
750,5450	re	(A-1460)	1220,200	am	(P-1870798; A-7294)
750,5900	re	(A-1460)	1220,210	am	(P-1870798; A-7294)
750,6000	re	(A-1460)	1220,220	am	(P-1870798; A-7294)
750,6100	re	(A-1460)	1220,260	am	(P-1870798; A-7294)
750,6110	re	(A-1460)	1220,310	am	(P-1870798; A-7294)
750,1110	n	(P-2129398; A-5705)	1220,310	am	(P-1870798; A-7294)
1140,120	n	(P-2129398; A-5705)	1220,310	am	(P-1870798; A-7294)
1140,30	n	(P-2129398; A-5705)	1220,310	am	(P-1870798; A-7294)
1140,50	n	(P-2129398; A-5705)	1220,310	am	(P-1870798; A-7294)
1140,60	n	(P-2129398; A-5705)	1220,410	am	(P-1870798; A-7294)
1140,100	n	(P-2129398; A-5705)	1220,440	am	(P-1870798; A-7294)
1140,110	n	(P-2129398; A-5705)	1220,155	n	(P-11820)
1150,60	am	(P-12276)	1240,155	am	(P-11820)
1150,70	am	(P-12276)	1240,15	am	(P-11847)
1150,75	am	(P-12276)	1240,15	am	(P-11847)
1150,100	am	(P-12276)	1240,16	am	(P-11847)
1160,50	am	(P-12538)	1240,50	am	(P-11847)
1160,65	am	(P-12538)	1240,55	am	(P-11847)
1175,110	am	(P-1093; A-5749)	1240,60	am	(P-11847)
1175,115	am	(P-1093; A-5749)	1240,100	am	(P-11847)
1175,405	am	(P-1093; A-5749)	1240,110	am	(P-11847)
1175,420	am	(P-1093; A-5749)	1240,130	am	(P-11847)
1175,425	am	(P-1093; A-5749)	1240,170	am	(P-11847)
1175,435	am	(P-1093; A-5749)	1240,180	am	(P-11847)
1175,445	am	(P-1093; A-5749)	1240,190	am	(P-11847)

Title-92 (cont'd)	
1457 456 n	(P-13453)
1457 455 n	(P-13453)
1457 460 n	(P-13453)
1457 465 n	(P-13453)
1457 470 n	(P-13453)
1457 475 n	(P-13453)
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